FEDERAL REGISTER

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Washington, Friday, October 15, 1943

Regulations

TITLE 6—AGRICULTURAL CREDIT

Chapter I—Farm Credit Administration

PART 14—JOINT STOCK LAND BANKS

APPLICABILITY OF FEDERAL LAND BANK RULES AND REGULATIONS TO JOINT STOCK LAND BANKS

Section 14.1 of Title 6, Code of Federal Regulations is hereby amended to read as follows:

§ 14.1 *Applicability of Federal land bank rules and regulations.* The following rules and regulations pertaining to the Federal land bank system set out heretofore in Part 10 apply also to joint stock land banks except to such extent as the rules and regulations, by their terms or necessary inference, are restricted to Federal land banks or are otherwise inapplicable to joint stock land banks:

Section	*Subject*
10.25	Normal agricultural value basis.
10.183 to 10.197	Insurance requirements for bank loans.
10.523 to 10.525	Lost, stolen, destroyed, mutilated, or defaced bonds and coupons.

(Sec. 6, 47 Stat. 14, sec. 16, 39 Stat. 374; 12 U.S.C. 665, 813)

W. E. RHEA,
Land Bank Commissioner.

[F. R. Doc. 43-16756; Filed, October 14, 1943; 11:24 a. m.]

PART 70—LOAN INTEREST RATES AND SECURITY

CAPITAL STOCK OWNERSHIP REQUIRED OF BORROWING COOPERATIVES

Section 70.78 of Title 6, Code of Federal Regulations, is hereby amended to read as follows:

§ 70.78 *Capital stock ownership required of borrowing cooperatives.* Cooperative associations borrowing from a bank for cooperatives shall be required to own, at the time the loan is made, an amount of stock of the bank as follows:

(a) *Operating capital and facility loans.* An amount of stock of the bank equal in fair book value (not to exceed par), as determined by the bank, to $100 per $2,000 or fraction thereof of the amount of the loan.

(b) *Commodity loans; loans secured by Commodity Credit Corporation documents.* An amount of stock equal in fair book value (not to exceed par), as determined by the bank, to $100 per $10,000 or fraction thereof of the amount of the loan(s) (exclusive of any loans made for the purchase of stock); *Provided, however,* That stock owned by a borrower in connection with any operating capital or facility loan(s) may be regarded as meeting the stock ownership requirements in connection with either commodity loans or "Commodity Credit Corporation secured" loans, to the extent that such stock equals $100 per $10,000 of the sum of such commodity or "Commodity Credit Corporation secured" loan(s).

(Secs. 35 (a), 42, 48 Stat. 263, 264, sec. 15 (a), 49 Stat. 318; 12 U.S.C. 1134k, 1134d, 1134k (a))

[SEAL] S. D. SANDERS,
Cooperative Bank Commissioner.

[F. R. Doc. 43-16724; Filed, October 13, 1943; 4:18 p. m.]

PART 71—LOAN POLICIES

LENDING LIMITS OF DISTRICT BANKS FOR COOPERATIVES

Section 71.3 of Title 6, Code of Federal Regulations, is hereby amended and § 71.4 is hereby added to read as follows:

§ 71.3 *Lending limits of district banks for cooperatives.* Except with the written approval of the Cooperative Bank Commissioner, the lending limits of each district bank for cooperatives are hereby fixed, as to each borrower, so that at any time:

(a) Facility loans may not exceed 10 percent of a bank's capital and surplus;

(b) Operating capital loans may not exceed 15 percent of a bank's capital and surplus;

(c) Commodity loans (except loans secured by Commodity Credit Corpora-

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FEDERAL REGISTER

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tion documents) may not exceed 25 percent of a bank's capital and surplus;

(d) The sum of facility loans and operating capital loans may not exceed 15 percent of a bank's capital and surplus;

(e) The sum of facility loans, operating capital loans, and commodity loans (except loans secured by Commodity Credit Corporation documents) may not exceed 25 percent of a bank's capital and surplus.

The above limitations shall not apply to "loans secured by Commodity Credit Corporation documents" referred to above which are collateralized by loan documents, drafts, or other instruments representing interests in agricultural commodities which have been approved by the Governor of the Farm Credit Administration and which are qualified for purchase or payment by the Commodity Credit Corporation or other governmental agencies (including loan documents, secured by cotton, which are qualified, with the exception of the certification that the cotton has been classed by a Board of Examiners of the United States Department of Agriculture). (Sec. 38, 48 Stat. 264, as amended; 12 U.S.C. 1134j)

§ 71.4 *Excess loans district banks; sale of participations.* The district bank shall request the Central Bank for Cooperatives (or, when approved by the Cooperative Bank Commissioner, another district bank) to participate in the extension of credit for amounts which exceed the lending limits set forth in § 71.3, and, except when otherwise agreed, such participation shall take place in the following order: First, commodity loans; second, operating capital loans; and third, facility loans. Nothing contained in this section or in § 71.3 shall be construed to prevent a district bank for cooperatives from requesting the Central Bank for Cooperatives (or, when approved by the Cooperative Bank Commissioner, another district bank) to participate in the extension of credit to any borrower before its lending limits are reached.

(Secs. 38, 41, 48 Stat. 264, as amended; 12 U.S.C. 1134j, 1134c)

[SEAL] S. D. SANDERS,
Cooperative Bank Commissioner.

[F. R. Doc. 43–16723; Filed, October 13, 1943; 4:18 p. m.]

Chapter II—War Food Administration (Commodity Credit)

[Supp. 1 to 1943 C. C. C. Cotton Form 1, Amdt. 1]

PART 239—1943 COTTON LOANS

PURCHASE OR POOLING OF COTTON PRODUCERS' NOTES

Pursuant to the provisions of Title III, section 302 of the Agricultural Adjustment Act of 1938, as amended (52 Stat. 43; 7 U.S.C., 1940 ed., 1302), and the Act of May 26, 1941 (55 Stat. 203; 7 U.S.C., 1940 ed., Supp. I, 1330), as amended by the Act of December 26, 1941 (55 Stat. 860), and the Act of October 2, 1942 (56 Stat. 767; 50 U.S.C., 1940 ed. Supp. II, 968), Commodity Credit Corporation has authorized the making of loans upon the security of cotton in accordance with the regulations in this part (1943 C.C.C. Cotton Form 1—Instructions, as Amended). Such regulations are amended as follows:

Section 239.13a *Rules and procedure relating to the purchase or pooling by Commodity Credit Corporation of cotton producers' notes pursuant to the lending agency agreement,* is amended by deleting from the first sentence of paragraph 2 thereof the following words, "and duly executed Mortgage Supplements (C.C.C. Cotton Form FF)".

Dated: September 28, 1943.

J. B. HUTSON,
President.

[F. R. Doc. 43–16769; Filed, October 14, 1943; 11:29 a. m.]

[Supp. 2 to 1943 C. C. C. Cotton Form 1]

PART 239—1943 COTTON LOANS

INSTRUCTIONS FOR MAKING LOANS ON COTTON COVERED BY CERTIFICATE OF INDEMNITY

Pursuant to the provisions of Title III, section 302 of the Agricultural Adjustment Act of 1938, as amended (52 Stat. 43; 7 U.S.C., 1940 ed., 1302), and the Act of May 26, 1941 (55 Stat. 205, 7 U.S.C., 1940 ed., Supp. I, 1330), as amended by the Act of December 26, 1941 (55 Stat. 860), and the Act of October 2, 1942 (56 Stat. 767; 50 U.S.C., 1940 ed., Supp. II, 968), Commodity Credit Corporation has authorized the making of loans upon the security of cotton in accordance with the

regulations in this part (1943 C.C.C. Cotton Form 1—Instructions, as amended). Such regulations are hereby supplemented as follows:

Section 239.1 (d), *Certificate of Indemnity*, is supplemented by adding at the end thereof the following new paragraph:

§ 239.1 (d) 1, *Instructions for making loans on cotton covered by a Certificate of Indemnity (Form FCI–74, issued by the Federal Crop Insurance Corporation)*—(a) *Eligible certificate.* An eligible certificate shall be a certificate representing 400 pounds or more of cotton against which no collateral assignment is outstanding.

(b) *Amount.* Direct loans on cotton covered by certificates will be made at the base loan rate shown in the "Schedule of Basic Rates by Cities and Counties for Cotton Entering the 1943 Loan", adjusted for the appropriate premium or discount for grade and staple length as shown in Table No. 1 attached to the 1943 Cotton Loan Instructions (1943 C.C.C. Cotton Form 1—Instructions, as amended). In determining the loan rate the location and the grade and staple shown in the certificate shall be used.

(c) *Eligible producer.* Loans will be made only on certificates issued to "Eligible producers" as defined in the 1943 Cotton Loan Instructions.

(d) *Forms.* The following documents must be delivered in connection with every loan:

1. 1943 Cotton Producer's Note and Loan Agreement (1943 C.C.C. Cotton Form A).
2. Certificate of Indemnity (FCI–74, issued by the Federal Crop Insurance Corporation).
3. Producer's Letter of Transmittal (C. C. C. Cotton Form B).

(e) *Manner of obtaining loans.* An eligible producer desiring to obtain a loan on indemnity cotton should present his certificate to the county agricultural conservation committee. The county committee will prepare 1943 Cotton Producer's Note and Loan Agreement, hereinafter referred to as note, and Producer's Letter of Transmittal, for the producer's signature, and mail the executed documents, together with the related certificate, directly to the Regional Office of Commodity Credit Corporation, New Orleans, Louisiana. Upon approval of the forms, Commodity Credit Corporation will make payment of the amount of the loan in accordance with the directions of the producer contained in the note.

(f) *Service fee.* To meet the cost of preparing loan documents in the county agricultural conservation office a service fee of twenty-five cents shall be collected from each producer obtaining a loan on a cotton crop insurance indemnity.

(g) *Repayment.* If the producer desires to repay the loan from the cash equivalent to the certificate and obtain the balance of such cash equivalent, he should notify the appropriate branch office of the Federal Crop Insurance Corporation. The Federal Crop Insurance Corporation will establish the amount of the cash equivalent, make payment to Commodity Credit Corporation of the amount due on the loan, and remit any balance, after repayment of the loan, to the producer. Upon receipt of payment, Commodity Credit Corporation will stamp the note "paid" and return it to the producer. The certificate will be delivered to the Federal Crop Insurance Corporation.

Dated: September 27, 1943.

J. B. HUTSON,
President.

[F. R. Doc. 43–16768; Filed, October 14, 1943; 11:29 a. m.]

TITLE 7—AGRICULTURE

Chapter XI—War Food Administration (Distribution Orders)

[FDO 15–3]

PART 1401—DAIRY PRODUCTS

REPORTS REQUIRED FROM CERTAIN PRODUCERS AND AUTHORIZED ASSEMBLERS OF CHEDDAR CHEESE

Pursuant to the authority vested in me by Food Distribution Order No. 15, issued by the Secretary of Agriculture on February 6, 1943, as amended (8 F.R. 1704, 5698), and to effectuate the purposes thereof, it is hereby ordered as follows:

§ 1401.4 *Reports*—(a) *Definitions.* Each term defined in Food Distribution Order No. 15, as amended, shall, when used herein, have the same meaning as set forth in said Food Distribution Order No. 15, as amended, unless otherwise distinctly expressed or manifestly incompatible with the intent hereof.

(b) *Reporting requirements.* (1) Each person who produced more than 8,000 pounds of Cheddar cheese during any of the calendar months from January 1942 to September 1943, inclusive, shall correctly complete form "Dairy Products Report No. 3—Cheese (Cheese Factory Set-aside Report)" for each of the calendar months of May to September 1943, inclusive, and shall mail such completed form to the United States Department of Agriculture, Box 6910–A, Chicago, Illinois, not later than October 15, 1943.

(2) Each person who is not an authorized cheese assembler and who has in his possession at any time during the calendar month of October 1943, or any subsequent calendar month, any Cheddar cheese set aside pursuant to the provisions of Food Distribution Order No. 15, as amended, shall, until all such set-aside Cheddar cheese is delivered to agencies designated in, or pursuant to, § 1401.1 (a) (4) of said Food Distribution Order No. 15, as amended, correctly complete form "Dairy Products Report No. 3—Cheese (Cheese Factory Set-aside Report)," for each such calendar month and shall mail such completed form to the United States Department of Agriculture, Box 6910–A, Chicago, Illinois, on or before the 10th day of the next succeeding calendar month.

(3) Each authorized cheese assembler shall correctly complete form "Authorized Cheese Assembler's Report" for each of the calendar months from May to September 1943, inclusive, and shall mail such completed form to the United States Department of Agriculture, Box 6910–A, Chicago, Illinois, on or before October 20, 1943.

(4) Each authorized cheese assembler who has in his possession or receives at any time during October 1943, or any subsequent calendar month, any Cheddar cheese set aside pursuant to the provisions of Food Distribution Order No. 15, as amended, shall, until all such set-aside Cheddar cheese is delivered to agencies designated in, or pursuant to, § 1401.1 (a) (4) of said Food Distribution Order No. 15, as amended, correctly complete form "Authorized Cheese Assembler's Report" for each such calendar month and shall mail such completed form to the United States Department of Agriculture, Box 6910–A, Chicago, Illinois, on or before the 15th day of the next succeeding calendar month.

(5) After the effective time of this order, each person who produces Cheddar cheese shall correctly complete form "Dairy Products Report No. 1" (USDA Form No. C. E. 9–119), for each calendar month and shall mail such completed form to the United States Department of Agriculture, Box 6910–A, Chicago, Illinois, on or before the 10th day of the next succeeding calendar month.

(c) *Exceptions.* No person referred to in (b) (1) or (b) (3) hereof shall be required to complete and mail the forms as required by (b) (1) or (b) (3) hereof for any month designated therein if such person shall have completed and mailed the required form for such month prior to the effective time of this order.

(d) *Bureau of the Budget approval.* The reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(e) *Effective date.* This order shall become effective at 12:01 a. m., e. w. t., October 18, 1943.

(E.O. 9280, 7 F.R. 10179; E.O. 9332, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; FDO 15, 8 F.R. 1704, 5698)

Issued this 14th day of October 1943.

ROY F. HENDRICKSON,
Director of Food Distribution.

[F. R. Doc. 43–16754; Filed, October 14, 1943; 11:24 a. m.]

[FDO 68, Amdt. 2]

PART 1450—TOBACCO

CIGAR FILLER AND BINDER TYPES OF TOBACCO

Food Distribution Order No. 68, § 1450.11, issued by the War Food Administrator on July 26, 1943, as amended (8 F.R. 10479, 11891), is further amended as follows:

1. By deleting the provisions of (a) (3) and (a) (4) and inserting in lieu thereof the following:

(3) The term "Class A tobacco" means tobacco of the 1943 crop of cigar binder types Nos. 51, 52, and 53 as defined in the

Service and Regulatory Announcement No. 118 (7 CFR 30.1 et seq.) of the United States Department of Agriculture, promulgated by the Secretary of Agriculture on October 14, 1929.

(4) The term "Class B tobacco" means tobacco of the 1943 crop of cigar filler types Nos. 41, 42, 43, and 44 as defined in Service and Regulatory Announcement No. 118 (7 CFR 30.1 et seq.) of the United States Department of Agriculture, promulgated by the Secretary of Agriculture on October 14, 1929.

(5) The term "Class C tobacco" means tobacco of the 1943 crop of cigar binder types Nos. 54 and 55 as defined in the Service and Regulatory Announcement No. 118 (7 CFR 30.1 et seq.) of the United States Department of Agriculture, promulgated by the Secretary of Agriculture on October 14, 1929.

2. By deleting the provisions of (b) (1) and (b) (2) and inserting in lieu thereof the following:

(b) *Restrictions.* (1) No person shall, in any manner whatsoever, purchase, contract to purchase, or accept an option to purchase Class A tobacco during the period from the effective time hereof until November 15, 1943, inclusive.

(2) No person shall, in any manner whatsoever, purchase, contract to purchase, or accept an option to purchase Class B tobacco during the period from the effective time hereof until December 7, 1943, inclusive.

(3) No person shall, in any manner whatsoever, purchase, contract to purchase, or accept an option to purchase Class C tobacco during the period from the effective time hereof until January 7, 1944, inclusive.

The provisions hereof shall become effective at 12:01 a. m., e. w. t. October 15, 1943. With respect to violations of said Food Distribution Order No. 68, as amended, rights accrued, or liabilities incurred prior to the effective time of this amendment, said Food Distribution Order No. 68, as heretofore amended, shall be deemed to be in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, or liability.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423)

Issued this 14th day of October 1943.

ASHLEY SELLERS,
Assistant War Food Administrator.

[F. R. Doc. 43-16755; Filed, October 14, 1943; 11:24 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 4654]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

SUPERIOR HUMUS & PEAT MOSS CORP.

§ 3.6 (n) *Advertising falsely or misleadingly—Nature—Product:* § 3.66 (d) *Misbranding or mislabeling—Nature:* § 3.96 (a) *Using misleading name—Goods—Nature:* § 3.96 (b) *Using misleading name—Vendor—Products.* In connection with offer, etc., in commerce, of respondent's peat, (1) using the words "Peat Moss" or "Moss Peat", or any other words of similar import, to designate or describe any peat not derived from Sphagnum moss; or otherwise representing, directly or by implication, that any peat is moss peat when such peat is not derived from Sphagnum moss; and (2) using the words "Peat Moss" or "Moss Peat", or any other words of similar import, as a part of or in connection with respondent's corporate or trade name; prohibited, subject to the provision, however, that the order shall not be construed as prohibiting the use in such name of the word "Peat" when not accompanied by the word "Moss." (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, Superior Humus & Peat Moss Corporation, Docket 4654, October 5, 1943]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 5th day of October, A. D. 1943.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer of respondent, testimony and other evidence taken before a trial examiner of the Commission theretofore duly designated by it, report of the trial examiner upon the evidence, and brief in support of the complaint (no brief having been filed by respondent and oral argument not having been requested); and the Commission having made its findings as to the facts and its conclusion that the respondent has violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondent, Superior Humus & Peat Moss Corporation, a corporation, and its officers, agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, and distribution of respondent's peat in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using the words "Peat Moss" or "Moss Peat," or any other words of similar import, to designate or describe any peat not derived from Sphagnum moss; or otherwise representing, directly or by implication, that any peat is moss peat when such peat is not derived from Sphagnum moss.

2. Using the words "Peat Moss" or "Moss Peat," or any other words of similar import, as a part of or in connection with respondent's corporate or trade name: *Provided, however,* That this order shall not be construed as prohibiting the use in such name of the word "Peat" when not accompanied by the word "Moss."

It is further ordered, That the respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 43-16752; Filed, October 14, 1943; 11:08 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs

[T. D. 50945]

PART 5—CUSTOMS RELATIONS WITH CONTIGUOUS FOREIGN TERRITORY

IMPORTS FROM CONTIGUOUS COUNTRIES; PERMITS TO UNLADE

Section 5.1 (d), Customs Regulations of 1943, relating to permits to unlade in the case of imports from contiguous countries, amended.

Section 5.1 (d), Customs Regulations of 1943 (19 CFR 5.1 (d)), is amended by deleting the words "for its release" in the first sentence and substituting therefor the word "therefore".

(Sec. 459, 46 Stat. 717, sec. 10 (a), 52 Stat. 1082; sec. 624, 46 Stat. 759; 19 U.S.C. 1459, 1624)

[SEAL] W. R. JOHNSON,
Commissioner of Customs.

Approved: October 11, 1943.

HERBERT E. GASTON,
Acting Secretary of the Treasury.

[F. R. Doc. 43-16749; Filed, October 14, 1943; 10:08 a .m.]

TITLE 20—EMPLOYEES' BENEFITS

Chapter III—Social Security Board, Federal Security Agency

PART 403—FEDERAL OLD-AGE AND SURVIVORS' INSURANCE [1]

EVIDENCE AS TO MARRIAGE; CEREMONIAL MARRIAGE

Effective July 27, 1943, subparagraph (1) of § 403.702 (d) of Regulations No. 3 (Part 403, Title 20, Code of Federal Regulations, 1940 Supp.) is amended to read as follows:

(1) *Ceremonial marriage.* Except as may be otherwise expressly required by the Board in connection with an application, no supporting evidence as to marriage need be filed when the application is for wife's insurance benefits (see § 403.403) and states that the applicant was ceremonially married to the individual who has applied for primary insurance benefits on the basis of the same wages and such individual verifies her statement. When a marriage has thus

[1] 5 F.R. 1849. For a chronological description of the statutory basis for the old-age and survivors' insurance system under title II of the Social Security Act, as amended, and the regulations which have been issued thereunder, see § 403.1 of Regulations No. 3 of the Social Security Board. (§ 403.1, Title 20, Code of Federal Regulations, 1940 Supp.)

been established upon an application for wife's insurance benefits, such evidence, except as may be otherwise expressly required by the Board, will be accepted as proof of such marriage upon a subsequent application by the same person for a widow's insurance benefits (see § 403.405).

In all other cases, evidence as to a ceremonial marriage shall be of the following character:

(i) A copy of the public record of marriage or a statement as to the marriage, duly certified by the custodian of such record; or

(ii) A copy of a church record of marriage or a statement as to such marriage, duly certified by the custodian of such record; or

(iii) The original certificate of marriage.

If none of the evidence described in subdivisions (i), (ii), and (iii) is obtainable, the reason therefor should be stated and the applicant may submit:

(iv) The verified statement of the clergyman or official who performed the marriage ceremony; or

(v) Other evidence of probative value.

(Sec. 205 (a), 53 Stat. 1368, sec. 1102, 49 Stat. 647; 42 U.S.C. sec. 405 (a) 1302)

In pursuance of sections 205(a) and 1102 of the Social Security Act, as amended, the foregoing regulation adopted by the Board is hereby prescribed this 7th day of October 1943.

[SEAL] SOCIAL SECURITY BOARD,
A. J. ALTMEYER,
Chai

Approved October 11, 1943.

WATSON B. MILLER,
Acting Federal Security Administrator.

[F. R. Doc. 43-16757; Filed, October 14, 1943; 11:31 a. m.]

TITLE 29—LABOR

Subtitle A—Office of the Secretary of Labor

PART 5—WAGE ADJUSTMENT BOARD FOR THE BUILDING CONSTRUCTION INDUSTRY

Administrative Order No. 101 (7 F.R. 5893, 9441) is amended to read as follows:

On May 22, 1942, the Government agencies in charge of building and construction work essential to the successful prosecution of the war and the Building and Construction Trades Department of the American Federation of Labor agreed to stabilize wage rates for the duration of the war at the level in effect on July 1, 1942; a Wage Adjustment Board would be created, it was agreed, to make, pursuant to specified standards, necessary wage adjustments on Federal construction projects. The President of the United States by a memorandum dated May 14, 1942, directed the Secretary of Labor to create the Wage Adjustment Board and give to it such service and assistance as it might require.

Therefore, to accomplish the purpose of the Act of March 3, 1931, as amended by the Act of August 30, 1935, and of section 1 (a) of the Act of January 30, 1942 (Public No. 421, 77th Congress) and to provide the machinery for the Wage Stabilization Agreement of the international and national labor organizations in the Building and Construction Industry, the Secretary of Labor on May 29, 1942, established the Wage Adjustment Board for the Building and Construction Industry. The jurisdiction of this Board has been limited to construction work done for or financed by the United States. In order to coordinate the administration of this program with the stabilization of wages and the maintenance of harmonious industrial relations on private construction work, the National War Labor Board has requested the Secretary of Labor to amend Administrative Order No. 101 and to reconstitute the Wage Adjustment Board for the Building and Construction Industry so that in addition to its administration of the Wage Stabilization Agreement of May 22, 1942, it may administer the duties and functions delegated to it by the National War Labor Board. To accomplish this purpose, therefore, *It is hereby ordered:*

1. The Wage Adjustment Board for the Building and Construction Industry, hereafter called the Board, is established in the United States Department of Labor. The Board shall consist of nine members, three representing labor, three representing industry, and three, including the chairman, representing the public. In the absence of any member of the Board, an alternate member may serve in his place. Six members of the Board, including not less than two members from each of the groups represented on the Board, shall constitute a quorum.

2. The Board shall have the power to investigate and to act upon adjustments of wage rates under the Wage Stabilization Agreement of May 22, 1942. It shall consider and act upon requests for such wage adjustments when presented by local labor organizations with the approval of the international or national labor organization and submitted through and approved by the Building and Construction Trades Department of the American Federation of Labor, and it shall also consider and act upon requests for wage adjustments when presented by employers, Government contracting agencies or any group of workers not specified above. The Board shall have power to make the necessary rules of procedure which shall not be inconsistent with the procedures of the National War Labor Board.

3. The Board is also empowered to carry out the duties and functions delegated to it by the National War Labor Board.

4. Upon request of the Board, the Solicitor of Labor shall conduct investigations, hold any necessary hearings, and make reports to the Board provided that in the case of labor disputes, hearings shall be conducted by a tripartite panel in conformity with the regulations of the National War Labor Board unless all interested parties agree that a single hearing officer may hold such hearings. In appropriate cases, the reports of the Solicitor shall be made available to the interested parties.

5. In determining the prevailing rates of wages under the Act of March 3, 1931, as amended by the Act of August 30, 1935, I shall, unless compelling evidence to the contrary be presented, accept as prevailing those wage rates which were prevailing on July 1, 1942.

Dated: October 13, 1943.

FRANCES PERKINS,
Secretary of Labor.

[F. R. Doc. 43-16759; Filed, October 14, 1943; 11:26 a. m.]

Chapter VI—National War Labor Board

PART 803—GENERAL ORDERS

WAGE ADJUSTMENT BOARD FOR BUILDING CONSTRUCTION INDUSTRY

General Order No. 13-A is hereby repealed. General Order No. 13 is hereby enacted as follows:

§ 803.13 *General Order 13.* (a) Title III, Section 3 of Executive Order No. 9250 of October 3, 1942, (8 F.R. 7871) provides: "The National War Labor Board shall permit * * * the Wage Adjustment Board for the Building Construction Industry * * * to continue to perform its functions * * * except insofar as any of them is inconsistent with the terms of this order." Pursuant thereto, the Wage Adjustment Board, constituted as hereinafter described, shall continue to perform the duty ascribed to it by Administrative Order No. 101, as amended,[1] of the Secretary of Labor, and by the Wage Stabilization Agreement of May 22, 1942, between the Building and Construction Trades Department of the American Federation of Labor and Several Government Agencies, all in accordance with the further provisions of this order.

(b) The Wage Adjustment Board for the Building Construction Industry shall consist of nine members, of whom three shall represent labor, three shall represent industry, and three, including the Chairman, shall represent the public.

(c) Applications for approval of revision of rates subject to the Wage Stabilization Agreement of May 22, 1942, which revision would otherwise require the approval of the National War Labor Board, shall be submitted for approval to the Wage Adjustment Board. In acting upon such applications, the Wage Adjustment Board shall be subject both to the provisions of the Wage Stabilization Agreement of May 22, 1942, and to the requirements of the national wage stabilization program, as set forth in paragraph (f) hereof.

(d) The Wage Adjustment Board for the Building Construction Industry shall, in addition to the powers set forth in paragraphs (a) and (c) hereof, have jurisdiction over labor disputes and voluntary wage or salary adjustments involving persons employed in the build-

[1] *Supra.*

ing construction industry (as hereinafter defined) who are not subject to the Wage Stabilization Agreement of May 22, 1942. The Wage Adjustment Board shall have power, subject to review by the National War Labor Board as provided in paragraph (k) hereof, (1) to hear, and issue directive orders, in labor dispute cases, and (2) to make final rulings on voluntary wage and salary adjustments requiring the approval of the National War Labor Board.

(e) The jurisdiction of the Wage Adjustment Board hereunder shall, as heretofore, be limited to mechanics and laborers in the building and construction industry employed directly upon the site of the work.

(f) In the performance of its duties hereunder, the Wage Adjustment Board, in addition to all pertinent policies of the National War Labor Board and the Director of Economic Stabilization, heretofore or hereafter announced, shall conform to the following principles and to any modification thereof hereafter promulgated by the National War Labor Board:

(1) *General considerations.* In acting upon revision of wage rates, in dispute or voluntary cases, the Wage Adjustment Board is subject both to the provisions of the Wage Stabilization agreement of May 22, 1942, and to the requirements of the national wage stabilization policy. Approvable adjustments in such rates must meet both sets of requirements.

(2) *Sound and tested rates.* The provisions of the May 12 supplement to Executive Order No. 9328 (8 F.R. 4681, 6490) with respect to "brackets of sound and tested going rates" are inapplicable to the Building Construction Industry.

(3) *Little Steel.* The Little Steel formula, as heretofore defined by the National War Labor Board, shall be applied by the Wage Adjustment Board in the following manner:

(i) No employee or group of employees is entitled automatically to a Little Steel adjustment.

(ii) Generally, employees enjoying relatively high rates of pay should receive a smaller percentage adjustment than those receiving lower rates of pay.

(iii) In applying the Little Steel formula to the wage rates for a particular craft, some or all of the full 15% otherwise allowable should be withheld where allowance for the full amount would have an unstabilizing effect on wages in the industry or area. This limitation should be invoked when the wage rates of the employees involved are relatively high compared to the wage rates of other employees in related work, and when the formula is applied to individual occupational groups in the highest wage brackets.

(iv) No adjustment may be made which is in excess of the amount allowable under the Little Steel formula notwithstanding that the final rate resulting is below an appropriate Davis-Bacon rate.

(4) *Substandards.* The Wage Adjustment Board may approve adjustments which are "clearly necessary to correct substandards of living", in accordance with the provisions of Executive Order No. 9328 and the May 12 Supplement.

(5) *Critical needs of war production.* In rare and unusual cases adjustments not permissible within the above principles, which are, in the opinion of the Wage Adjustment Board, necessary to the critical needs of war production, shall be submitted through the National War Labor Board for the approval of the Economic Stabilization Director.

(g) In the handling of dispute cases, the Wage Adjustment Board shall comply with all appropriate provisions of the "Jurisdiction and Procedure of Regional War Labor Boards," of April 15, 1943, as amended, and with the "Rules for Conduct of Hearings Under the War Labor Disputes Act", and all other pertinent rules of procedure of the National War Labor Board that may be hereafter announced.

(h) In accordance with the requirements of Executive Orders No. 9250 and 9328 and the Supplement thereto of May 12, 1943, issued by the Director of Economic Stabilization, any wage or salary adjustment approved or order by the Wage Adjustment Board "which may furnish the basis either to increase price ceilings or to resist otherwise justifiable reductions in price ceilings," or, if no price ceilings are involved, which may increase the costs to the government of a product or service being furnished under a procurement contract, shall become effective only if also approved by the Director of Economic Stabilization. Notice to this effect shall be contained in all rulings and orders requiring this approval which are issued by the Wage Adjustment Board.

(i) All applications for the revision or adjustment of wage rates within the jurisdiction of the Wage Adjustment Board shall be filed directly with the Wage Adjustment Board, Washington, D. C. Requests for the revision of wage rates subject to the Wage Stabilization Agreement of May 22, 1942, which are presented by local labor organizations affiliated with the Building and Construction Trades Department of the American Federation of Labor, shall be filed only with the approval of the international or national labor organization, and shall be submitted through and approved by the Building and Construction Trades Department of the American Federation of Labor.

(j) (1) All applications for the voluntary adjustment or revision of wage rates shall contain, or the Wage Adjustment Board shall, before acting on the application, procure, a statement by the employer as to whether the adjustment or revision if approved (i) may furnish the basis to increase price ceilings or (ii) may furnish the basis for an application by the employer for an increase to the government in the price of any product or service. If the statement is in the affirmative as to (i), the Wage Adjustment Board shall send to the Office of Price Administration a copy of the application and a copy of its ruling at the time of issuance thereof. If the statement is in the affirmative as to (ii) and an adjustment of the type that requires the approval of the Economic Stabilization Director is approved by the Wage Adjustment Board, the Wage Adjustment Board shall send to the appropriate procurement agency of the government a copy of its ruling at the time of issuance thereof.

(2) In any wage dispute case where it appears that the wage adjustment recommended or ordered may furnish the basis to increase price ceilings, the Wage Adjustment Board shall send to the Office of Price Administration a copy of the recommendation of its panel or hearing officer at the time of its transmittal to the parties and of its directive order when issued. In any wage dispute case where it appears that the wage adjustment ordered may furnish the basis for an application by the employer for an increase to the government in the price of any product or service and the adjustment is of the type that requires the approval of the Economic Stabilization Director, the Wage Adjustment Board shall send to the appropriate procurement agency of the government a copy of its directive order when issued.

(3) In all cases where the approval of the Director of Economic Stabilization is required, the Wage Adjustment Board shall, after its ruling or order is issued, send the case to the National War Labor Board for transmittal to the Director of Economic Stabilization. The Wage Adjustment Board shall, upon being notified, advise the parties of the action taken by the Office of Price Administration or by the Director of Economic Stabilization.

(k) All rulings of the Wage Adjustment Board on wage and salary adjustments, and all directive orders of the Wage Adjustment Board in dispute cases, shall have the same effect, and be subject to the same provisions for stay and review by the National War Labor Board, as rulings and orders of the Regional War Labor Boards, as set forth in section VII of the "Jurisdiction and Procedure of Regional War Labor Boards," as amended.

(l) The Wage Adjustment Board shall transmit regularly to the National War Labor Board copies of its decisions and rulings hereunder, which, when issued, shall be made available to the public, and such additional data and reports as the National War Labor Board may from time to time require.

(E.O. 9250, 7 F.R. 7871)

Adopted October 13, 1943.

L. K. GARRISON,
Executive Director.

[F. R. Doc. 43-16753; Filed, October 14, 1943; 11:17 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX—War Production Board

Subchapter B—Executive Vice-Chairman

AUTHORITY: Regulations in this subchapter issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 176; E.O. 9024, 7 F.R. 329; E.O. 9125, 7 F.R. 2719; W.P.B. Reg. 1 as amended March 24, 1943, 8 F.R. 3666, 3696; Pri. Reg. 1 as amended May 15, 1943, 8 F.R. 6727.

PART 1115—FUEL OIL

[Revocation of Limitation Order L–56]

Section 1115.1 *Limitation Order L–56* has been amended and reissued as Petroleum Distribution Order No. 13 by the Petroleum Administration for War. Accordingly, Limitation Order L–56 of the War Production Board is hereby revoked. This action shall not be construed to affect in any way any liability or penalty incurred under said order.

Issued this 15th day of October 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43–16761; Filed, October 14, 1943; 11:40 a. m.]

PART 3284 [1]—BUILDING MATERIALS

[Limitation Order L–236, as amended Oct. 14, 1943]

HARDWARE SIMPLIFICATION

§ 3284.81 [1] *Limitation Order L–236*—(a) *Issuance of schedules of simplification of lines.* The War Production Board may, from time to time, issue schedules establishing simplified practices with respect to types, sizes, forms, specifications or other qualifications for any hardware. From and after the effective date of any such schedule, no such products shall be produced or fabricated, except as specifically permitted by such schedule.

(b) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter referring to the particular provision appealed from and stating the grounds of the appeal.

(c) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable regulations of the War Production Board, as amended from time to time.

(d) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to War Production Board, Building Materials Division, Washington 25, D. C., Ref.: L–236.

(e) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

Issued this 14th day of October 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43–16762; Filed, October 14, 1943; 11:40 a. m.]

[1] Formerly Part 3154, § 3154.1.

PART 3284—BUILDING MATERIALS

[Schedule III to Limitation Order L–236]

MARINE FITTINGS HARDWARE

§ 3284.84 *Schedule III to Limitation Order L–236*—(a) *Definitions.* For the purpose of this schedule:

(1) "Producer" means any person who forges, manufactures, fabricates, or assembles Marine Fittings Hardware as defined in (a) (2) of this schedule.

(2) "Marine fittings hardware" means turnbuckles, shackles, thimbles, rope sockets, hooks, cleats, and chocks, as listed in Tables I through VII of this schedule.

(3) "Secondary brass and secondary bronze" means a brass or bronze alloy which is produced without the use of refined copper or refined tin.

(b) *Simplified practices.* After November 14, 1943 no producer shall manufacture, fabricate or assemble items of marine fittings hardware listed in Tables I through VII of this schedule which fail to conform with the sizes, types, grades and provisions set forth in the said schedule.

(c) *Exceptions.* The provisions of this schedule do not apply to:

(1) Parts manufactured for repair of marine fittings hardware.

(2) Marine fittings hardware manufactured, fabricated or assembled from material or parts in the possession of the producer on or before October 14, 1943.

(3) Marine fittings hardware manufactured, fabricated or assembled to fill a contract for the Army, Navy, Maritime Commission or War Shipping Administration, provided such contract for marine fittings hardware was executed prior to October 14, 1943.

(4) Marine fittings hardware manufactured, fabricated or assembled in establishments wholly owned and operated by the Navy.

(5) Marine fittings hardware specially designed and constructed for use on or operation of lifeboats, lifeboat equipment or lifelines.

(6) Marine fittings hardware specially designed and constructed for use on or operation of aircraft or under-water craft.

(7) Turnbuckles or rope sockets less than ¼ inch in size.

(8) Turnbuckles specially designed and constructed for use on radio antenna.

(9) Cast rope thimbles.

(10) Hooks manufactured for attachment as an integral part of a tackle block.

(11) Marine fittings hardware made of secondary brass or secondary bronze (but otherwise conforming to the provisions of the schedule) when such hardware is required for use within the magnetic circle of a ship or vessel. A "magnetic circle" means an area having the ship's compass as its center, and within which the presence of marine fittings hardware containing ferrous metal might influence the operation of the compass.

(d) *Permitted finishes.* Finish of marine fittings hardware may be galvanized, lead coated, painted or self-colored. Threading or tapping may not be galvanized unless otherwise noted in Tables I through VII.

Issued this 14th day of October 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

TABLE I—FORGED, FABRICATED AND PIPE TURNBUCKLES

Forged, fabricated and pipe turnbuckles may be manufactured of ferrous metals only, although pins in turnbuckle jaws may be of brass or bronze. Turnbuckle bodies may be made with round or hexagon ends. Pipe turnbuckles shall not be made with hexagon body or solid eye. Threading on end fittings may be galvanized for Navy use. Hardware turnbuckles shall not be of forged manufacture.

Turnbuckles up to and including ¾" diameter may be equipped only with eyes, jaws, open hooks, sister hooks and stubs or combinations thereof. Turnbuckles ⅞" diameter and larger may be equipped only with eyes, jaws and stubs or combinations thereof.

(1) *Open type turnbuckles (forged or fabricated):* The following sizes only may be manufactured. Sizes are the amount of takeup in inches and the diameter in inches of end fittings:

Takeup (inches):	*Diameter (inches)*
4	¼
4½	5/16
5	½
6	⅜, ½, ⅝, ¾, ⅞, 1, 1⅛, 1¼
9	½, ⅝, ¾
12	½, ⅝, ¾, ⅞, 1, 1⅛, 1¼
18	¾, ⅞, 1, 1⅛, 1¼, 1½, 1¾, 2, 2½, 3
24	1, 1¼, 1½, 1¾, 2, 2½, 3
36	2, 2½
48	2½, 3, 3½

(2) *Pipe turnbuckles:* The following sizes only may be manufactured. Sizes are the diameter in inches of the end fittings. ½, ⅝, ¾, ⅞, 1, 1¼, 1½, 1¾, 2, 2½, 3.

(3) *Turnbuckle bodies:* Turnbuckle bodies may be manufactured only in the sizes specified for open type and pipe type turnbuckles.

EXCEPTION. Special types and sizes of turnbuckles may be made for use by the Navy if approval is given by the chief of the appropriate Navy Bureau, the Supervisor of Shipbuilding of the Navy or the Inspector of Naval Materials.

TABLE II—FORGED SHACKLES

Forged shackles may be manufactured of carbon steel only, although cotter pins in shackle pins may be brass or bronze. Threading on shackle pins may be galvanized for Navy use. Oval pin shackles may be made for Army, Navy and Maritime Commission use only. The following types and sizes only may be manufactured. Sizes are the diameter in inches of the body stock in the bow of the shackle.

Screw pin, round pin and oval pin anchor shackles: ¼, 5/16, ⅜, 7/16, ½, ⅝, ¾, ⅞, 1, 1⅛, 1¼, 1⅜, 1½, 1¾, 2, 2¼, 2½, 3, 3½.

Bolt anchor shackles: ¾, ⅞, 1, 1⅛, 1¼, 1⅜, 1½, 1¾, 2, 2¼, 2½.

Screw pin chain shackles: ¼, 5/16, ⅜, 7/16, ½, 5/8, ¾, ⅞, 1, 1⅛, 1¼, 1⅜, 1½, 1¾, 2, 2¼, 2½, 3, 3½.

Round pin and oval chain shackles: ⅝, ¾, ⅞, 1, 1⅛, 1¼, 1⅜, 1½, 1¾, 2, 2¼, 2½, 3, 3½.

Bolt chain shackles: ¾, ⅞, 1, 1⅛, 1¼, 1⅜, 1½, 1¾, 2, 2¼, 2½, 3, 3½.

EXCEPTION: Special types and sizes of shackles may be made for use by the Navy and alloy steel may be used if approval is given by the Chief of the appropriate Navy Bureau, the Supervisor of the Shipbuilding of the Navy or the Inspector of Naval Materials.

TABLE III—ROPE THIMBLES

Rope thimbles may be manufactured of carbon steel only. The following sizes only may be manufactured. Sizes are the width of the rope channel in inches.

Thimbles for Manila rope: 5/16, ⅜, 7/16, ½, 9/16, 5/8, 11/16, ¾, ⅞, 1, 1⅛, 1¼, 1⅜, 1½, 1¾, 2, 2¼, 2¾, 3½, 4.

Thimbles for wire rope: ¼, 5/16, ⅜, 7/16, ½, 9/16, 5/8, ¾, ⅞, 1, 1⅛, 1¼, 1⅜, 1½, 1⅝, 1¾, 1⅞, 2, 2½, 3, 3½, 4.

Heavy towing thimbles: 2½, 3, 3½, 4.

TABLE IV—FORGED ROPE SOCKETS

Forged rope sockets may be manufactured of carbon steel only in either open or closed types. Rope sockets in which cable is not attached by molten metal may have socket plugs of secondary brass or secondary bronze, and set screws and inspection plugs of brass or bronze. Cotter pins in all open type sockets may be brass or bronze. The following sizes only may be manufactured. Sizes are for the accommodating rope diameter in inches. ¼, 5/16, ⅜, 7/16, ½, 9/16, 5/8, ¾, ⅞, 1, 1⅛, 1¼, 1⅜, 1½, 1⅝, 1¾, 1⅞, 2, 2⅛, 2¼, 2⅜, 2½, 2⅝, 2¾, 2⅞, 3.

TABLE V—FORGED HOIST AND GRAB HOOKS

Forged hoist and grab hooks may be manufactured of carbon steel only. All hooks may be equipped with thimbles of the sizes permitted in Table III. The following sizes only may be manufactured. Sizes of hoist hooks are the overall length of hook in inches (a tolerance of ¼" minus or plus in the size indicated is permitted). Sizes of grab hooks are for the accommodating chain size in inches.

Hoist hook, regular eye: 4⅜, 5⅜, 6¾, 8½, 10⅜, 13½, 16¾.

Hoist hook, reversed eye: 4⅜, 5⅜, 6¾, 8½, 10⅜, 13½, 16¾.

Hoist hook, with swivel: 5½, 6½, 8¼, 10½, 13, 15½.

Hoist hook, with shank: 5, 6⅛, 7⅜, 9¼, 11, 13, 16⅜.

Grab hook: ¼, 5/16, ⅜, 7/16, ½, 5/8, ¾.

TABLE VI—CLEATS

Cleats may be manufactured of ferrous metals only. No producer may manufacture more than one type of any size cleat. The following sizes only may be manufactured. Sizes are length in inches. 4, 6, 8, 10, 12, 15, 18, 24, 30, 36.

TABLE VII—CHOCKS

Chocks may be manufactured of ferrous metals only. No producer may manufacture more than one style of either type chock. The following sizes only may be manufactured. Sizes are length in inches.

Bow chocks: 4, 6, 8, 10, 12, 15, 18.

Straight chocks: 6, 8, 10, 12, 15, 18.

[F. R. Doc. 43-16764; Filed, October 4, 1943; 11:40 a. m.]

PART 3301—CORK, ASBESTOS AND FIBROUS GLASS[1]

[General Preference Order M-8-a as Amended Oct. 14, 1943]

CORK

§ 3301.1[1] *General Preference Order M-8-a*—(a) *Definitions.* For the purposes of this order:

(1) "Cork" means unmanufactured cork in all forms, including corkwood, bark, waste, by-product, shavings, curlings, and refugo.

(2) "Supplier" means any person in the United States who engages in the importation, sale, manufacture, or processing of cork or in the importation of manufactured cork in finished or semi-finished form.

(b) *Reserve established.* On and after October 1, 1941, each supplier is hereby directed to set aside his entire stock of cork and all finished and semi-finished products and materials of which cork is a component, as a reserve, for the fulfillment of present and future defense orders and such other orders and uses as may be authorized or directed from time to time by the War Production Board. No deliveries or withdrawals shall be made from this reserve, either for customers of such supplier or for purposes of manufacture or processing by such supplier, except pursuant to specific directions heretofore or hereafter issued by the War Production Board. Not later than November 1 for the month of November, 1941, and thereafter from time to time, the War Production Board will issue to each supplier specific directions covering deliveries by such supplier of cork and products and materials of which cork is a component which may be made by such supplier to his customers during any specified period, and further directing the kinds and quantities of cork products and materials of which cork is a component which may be manufactured by such supplier and the kinds and quantities of cork which may be used or processed by such supplier in the manufacture of such products and materials. The use, process to final product, and deliveries by such suppliers shall be made as directed in such allocation schedules. The War Production Board may also at any time limit or direct the uses which any person may or not make of cork products and materials of which cork is a component, and require any person seeking to place a purchase order for cork or products or materials of which cork is a component to place such order with one or more particular suppliers.

(c) *Special limitations*—(1) *Cork discs.* Notwithstanding any general authorization for the processing or delivery of cork discs for beverage crowns granted in any allocation schedule:

(i) No person not regularly engaged in the business of manufacturing and selling crowns with cork discs shall purchase or receive cork discs not in crown shells if his inventory, plus the amount to be acquired, is in excess of the number of cork discs not in crown shells he can and will insert or have inserted in crown shells during the 30-day period succeeding the date of proposed acquisition; and

(ii) No person shall sell or deliver cork discs not in crown shells to any person, other than one regularly engaged in the business of manufacturing and selling crowns with cork discs, if he knows or has reason to believe that the purchase or receipt would be in violation of paragraph c (1) (i) above.

(d) *Reports.* Each supplier shall execute and file with the War Production Board the following reports at the times specified:

(1) Form WPB-1020 (formerly Form PD-29), on or before the 10th day of each month.

(2) Such other forms at such times as may be specified from time to time. All other persons affected by this order shall execute and file with the War Production Board such reports and questionnaires as the Board shall from time to time request, subject to approval of the Bureau of the Budget when required by the Federal Reports Act of 1942.

[NOTE: Former paragraphs (2) and (3) deleted; former paragraph (4) redesignated (2), Oct. 14, 1943]

(e) *Miscellaneous provisions*—(1) *Appeal.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal.

(2) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable regulations of the War Production Board, as amended from time to time.

(3) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Cork, Asbestos and Fibrous Glass Division, Washington, D. C. Ref.: M-8-a.

(4) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

Issued this 14th day of October 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-16763; Filed, October 14, 1943; 11:40 a. m.]

[1] Formerly Part 932, § 932.2.

Chapter XI—Office of Price Administration

PART 1388—DEFENSE-RENTAL AREAS

[Rent Reg. for Hotels and Rooming Houses in the Miami Defense-Rental Area]

MIAMI AREA, FLA.

§ 1388.1401 *Rent regulation for Hotels and Rooming Houses in the Miami Defense-Rental Area.* The Rent Regulation for Hotels and Rooming Houses in the Miami Defense-Rental Area is annexed hereto and made a part hereof.

AUTHORITY: § 1388.1401 issued under Pub. Laws 421 and 729, 77th Cong.

RENT REGULATION FOR HOTELS AND ROOMING HOUSES IN THE MIAMI DEFENSE-RENTAL AREA

CONTENTS

SECTION 1. *Scope of this regulation—*(a) *Rooms in hotels and rooming houses in the Miami Defense-Rental Area.* This regulation applies to all rooms in hotels and rooming houses in the Miami Defense-Rental Area, consisting of the County of Dade and the City of Hollywood and the Town of Hallandale in the County of Broward in the State of Florida, except as provided in paragraph (b) of this section. The Miami Defense-Rental Area is referred to hereinafter in this regulation as the "Defense-Rental Area."

(b) *Housing to which this regulation does not apply.* This regulation does not apply to the following:

(1) *Farming tenants.* Rooms situated on a farm and occupied by a tenant who is engaged for a substantial portion of his time in farming operations thereon.

(2) *Service employees.* Rooms occupied by domestic servants, caretakers, managers, or other employees to whom the rooms are provided as part of their compensation and who are employed for the purpose of rendering services in connection with the premises of which the rooms are a part.

(3) *Charitable or educational institutions.* Rooms in hospitals, or rooms of charitable or educational institutions used in carrying out their charitable or educational purposes.

(4) *Entire structures used as hotels or rooming houses.* Entire structures or premises used as hotels or rooming houses, as distinguished from the rooms within such hotels or rooming houses.

(c) *Effect of this regulation on leases and other rental agreements.* The provisions of any lease or other rental agreement shall remain in force pursuant to the terms thereof, except insofar as those provisions are inconsistent with this regulation.

(d) *Waiver of benefit void.* An agreement by the tenant to waive the benefit of any provision of this regulation is void. A tenant shall not be entitled by reason of this regulation to refuse to pay or to recover any portion of any rents due or paid for use or occupancy prior to October 15, 1943.

SEC. 2. *Prohibition—*(a) *Prohibition against higher than maximum rents.* Regardless of any contract, agreement, lease or other obligation heretofore or hereafter entered into, no person shall demand or receive any rent for use or occupancy on and after October 15, 1943 of any room in a hotel or rooming house within the Defense-Rental Area higher than the maximum rents provided by this regulation; and no person shall offer, solicit, attempt, or agree to do any of the foregoing. Lower rents than those provided by this regulation may be demanded or received.

(b) *Terms of occupancy—*(1) *Tenant not required to change term of occupancy.* No tenant shall be required to change his term of occupancy.

(2) *Term of occupancy during September 1943.* Where during September 1943 a room was rented or offered for rent for a weekly or monthly term of occupancy, the landlord shall continue to offer the room for rent for that term of occupancy except that he is not required to rent for that term more than the greatest number of rooms which were rented for the term at any one time during September 1943. However, if, during the year ending on September 30, 1943, a landlord had regular and definite seasonal practices with reference to the renting of rooms on a weekly or monthly basis, he may request the Administrator to approve such practices. When approval is given the landlord shall offer rooms for rent for weekly and monthly terms of occupancy pursuant to the practices so approved. The Administrator may withdraw approval at any time if he finds that the landlord has failed to conform to such practices, or if he finds that the effects of the approval are inconsistent with the Act or this regulation or are likely to result in the circumvention or evasion thereof.

(3) *Request by tenant to change term of occupancy.* Any tenant on a daily or weekly term of occupancy shall on request be permitted by the landlord to change to a weekly or monthly term unless the landlord is then renting for such term a number of rooms equal to the number which he is required to rent for that term under subparagraph (2). If the room occupied by such tenant was not rented or offered for rent for such term during September 1943, the landlord may transfer the tenant to a room, as similar as possible, which was to be rented or offered for rent.

(4) *Monthly term of occupancy in tourist camps, etc.* Where, since October 1, 1942, a room, cabin, or similar accommodations in a tourist camp, cabin camp, auto court or similar establishment has been or is hereafter rented to the same tenant for a continuous period of 60 days or longer on a daily or weekly basis, the landlord shall offer such room, cabin or other accommodations for rent for a monthly term of occupancy, regardless of the provisions of subparagraph (2) of this paragraph. The room, cabin or other accommodations shall be offered for rent on a monthly basis for each number of occupants for which it is offered by the landlord for any other term of occupancy. Any tenant of such room, cabin or other accommodations on a daily or weekly basis shall on request be permitted by the landlord to change to a monthly term of occupancy.

Notwithstanding the provisions of section 4 (c) of this regulation, if no maximum rent is established for such room, cabin, or other accommodations for a monthly term of occupancy or for a particular number of occupants for such term, the Administrator on his own initiative may enter an order fixing the maximum rent for that term and number of occupants and specifying the minimum services. This maximum rent shall be fixed on the basis of the rent generally prevailing in the Defense-Rental Area for comparable housing accommodations on September 1, 1943.

SEC. 3. *Minimum services, furniture, furnishings, and equipment.* Except as set forth in section 5 (b), every landlord shall, as a minimum, provide with a room the same essential services, furniture, furnishings and equipment as those provided on the date or during the thirty-day period determining the maximum rent, and as to other services, furniture, furnishings, and equipment not substantially less than those provided on such date or during such period: *Provided, however,* That where fuel oil is used to supply heat or hot water for a room, and the landlord provided heat or hot water on the date or during the thirty-day period determining the maximum rent, the heat and hot water which the landlord is required to supply shall not be in excess of the amount which he can supply under any statute, regulation or order of the United States or any agency thereof which rations or limits the use of fuel oil.

SEC. 4. *Maximum rents.* This section establishes separate maximum rents for different terms of occupancy (daily, weekly or monthly) and numbers of occupants of a particular room. Maximum rents for rooms in a hotel or rooming house (unless and until changed by the Administrator as provided in section 5) shall be:

(a) *Rented or regularly offered during maximum rent period.* For a room rented or regularly offered for rent during the thirty days ending on September 1, 1943, the highest rent for each term or number of occupants for which the room was rented during that thirty-day period, or, if the room was not rented or was not rented for a particular term or number of occupants during that period, the rent for each term or number of occupants for which it was regularly offered during such period.

(b) *First rented or regularly offered after maximum rent period.* For a room neither rented nor regularly offered for

rent during the thirty days ending on September 1, 1943, the highest rent for each term or number of occupants for which the room was rented during the thirty days commencing when it was first offered for rent after September 1, 1943; or, if the room was not rented or was not rented for a particular term or number of occupants during that period, the rent for each term or number of occupants for which it was regularly offered during such period.

(c) *First rent after September 1, 1943 where no maximum rent established under (a) or (b).* For a room rented for a particular term or number of occupants for which no maximum rent is established under paragraphs (a) or (b) of this section the first rent for the room after September 1, 1943 for that term and number of occupants, but not more than the maximum rent for similar rooms for the same term and number of occupants in the same hotel or rooming house.

(d) *Rooms constructed and owned by the government.* For a room constructed by the United States or any agency thereof, or by a State of the United States or any of its political subdivisions, or any agency of the State or any of its political subdivisions, and owned by any of the foregoing, the rent generally prevailing in the Defense-Rental Area for comparable housing accommodations on September 1, 1943, as determined by the owner of such room: *Provided, however,* That any corporation formed under the laws of a State shall not be considered an agency of the United States within the meaning of this paragraph. The Administrator may order a decrease in the maximum rent as provided in section 5 (c) (1).

(e) *Meals with room.* For a room with which meals were provided during the thirty-day period determining the maximum rent without separate charge therefor, the rent apportioned by the landlord from the total charge for the room and meals. The landlord's apportionment shall be fair and reasonable and shall be reported in the registration statement for such room. The Administrator at any time on his own initiative or on application of the tenant may by order decrease the maximum rent established by such apportionment, if he finds that the apportionment was unfair or unreasonable.

Every landlord who provides meals with accommodations shall make separate charges for the two.

(f) *Rooms subject to rent schedule of War or Navy Department.* For a room rented to either Army or Navy personnel, including civilian employees of the War and Navy Departments, for which the rent is fixed by the national rent schedule of the War or Navy Department, the rents established by such rent schedule.

SECTION 5. *Adjustments and other determinations.* In the circumstances enumerated in this section, the Administrator may issue an order changing the maximum rents otherwise allowable or the minimum services required. Except in cases under paragraphs (a) (7) and (c) (4) of this section, every adjustment of a maximum rent shall be on the basis of the rent which the Administrator finds was generally prevailing in the Defense-Rental Area for comparable housing accommodations on September 1, 1943: *Provided, however,* That no maximum rent shall be increased because of a major capital improvement or an increase in services, furniture, furnishings or equipment, by more than the amount which the Administrator finds would have been on September 1, 1943, the difference in the rental value of the accommodations by reason of such improvement or increase: *And provided further,* That no adjustment shall be ordered because of a major capital improvement, an increase or decrease in services, furniture, furnishings, or equipment, or a deterioration, where it appears that the rent during the thirty-day period determining the maximum rent was fixed in contemplation of and so as to reflect such change. In cases involving construction due consideration shall be given to increased costs of construction, if any, since September 1, 1943. In cases under paragraphs (a) (7) and (c) (4) of this section the adjustment shall be on the basis of the rents which the Administrator finds were generally prevailing in the Defense-Rental Area for comparable housing accommodations during the year ending on September 1, 1943.

(a) *Grounds for increase of maximum rents.* Any landlord may file a petition for adjustment to increase the maximum rent otherwise allowable, only on the grounds that:

(1) *Major capital improvement since maximum rent period.* There has been, since the thirty-day period or the order determining the maximum rent for the room, a substantial change in the room by a major capital improvement as distinguished from ordinary repair, replacement, and maintenance.

(2) *Major capital improvement prior to September 1, 1943.* There was, on or prior to September 1, 1943, a substantial change in the room by a major capital improvement as distinguished from ordinary repair, replacement, and maintenance, and the rent during the thirty-day period ending on September 1, 1943, was fixed by a lease or other rental agreement which was in force at the time of such change.

(3) *Substantial increase in services, furniture, furnishings or equipment.* There has been a substantial increase in the services, furniture, furnishings or equipment provided with the room since the thirty-day period or the order determining its maximum rent.

(4) *Special relationship between landlord and tenant.* The rent during the thirty-day period determining the maximum rent was materially affected by the blood, personal or other special relationship between the landlord and the tenant, or by an allowance or discount to a tenant of a class of persons to whom the landlord regularly offered such an allowance or discount, and as a result was substantially lower than the rent generally prevailing in the Defense-Rental Area for comparable housing accommodations on September 1, 1943.

(5) *Lease for term commencing one year or more before September 1, 1943.* There was in force on September 1, 1943, a written lease, for a term commencing on or prior to September 1, 1942, requiring a rent substantially lower than the rent generally prevailing in the Defense-Rental Area for comparable housing accommodations on September 1, 1943.

(6) *Varying rents.* The rent during the thirty-day period determining the maximum rent was established by a lease or other rental agreement which provided for a substantially higher rent at other periods during the term of such lease or agreement.

(7) *Seasonal demand.* The rent during the thirty-day period determining the maximum rent for the room was substantially lower than at other times of year by reason of seasonal demand for such room. In such cases the Administrator's order may if he deems it advisable provide for different maximum rents for different periods of the calendar year.

(b) *Decreases in minimum services, furniture, furnishings and equipment—* (1) *Decreases existing on October 15, 1943.* If, on October 15, 1943, the services provided for a room are less than the minimum services required by section 3, the landlord shall either restore and maintain such minimum services, or on or before November 15, 1943, file a petition requesting approval of the decreased services. If, on October 15, 1943, the furniture, furnishings or equipment provided with a room are less than the minimum required by section 3, the landlord shall on or before November 15, 1943, file a written report showing the decrease in furniture, furnishings or equipment.

(2) *Decreases after October 15, 1943.* Except as above provided, the landlord shall, until the room becomes vacant, maintain the minimum services, furniture, furnishings and equipment unless and until he has filed a petition to decrease the services, furniture, furnishings or equipment and an order permitting a decrease has been entered thereon; however, if it is impossible to provide the minimum services, furniture, furnishings or equipment he shall file a petition within 10 days after the change occurs. When the room becomes vacant the landlord may, on renting to a new tenant, decrease the services, furniture, furnishings or equipment below the minimum; within 10 days after so renting the landlord shall file a written report showing such decrease.

(3) *Adjustment in maximum rent for decreases.* The order on any petition under this paragraph may require an appropriate adjustment in the maximum rent; and any maximum rent for which a report is required by this paragraph may be decreased in accordance with the provisions of section 5 (c) (3). If the landlord fails to file the petition or report required by this paragraph within the time specified, or decreases the services, furniture, furnishings or equipment without an order authorizing such de-

crease where such order is required, the rent received by the landlord for any rental period commencing on or after such decrease or October 15, 1943, whichever is the later, shall be received subject to refund to the tenant of any amount in excess of the maximum rent which may later be fixed by any order decreasing the maximum rent on account of such decrease in services, furniture, furnishings, or equipment. In such case, any order decreasing the maximum rent shall be effective to decrease such rent from the beginning of the first rental period after the decrease in services, furniture, furnishings or equipment or after October 15, 1943, whichever is the later. The foregoing provisions and any refund thereunder do not affect any civil or criminal liability provided by the Act for failure to comply with any requirement of this paragraph.

(c) *Grounds for decrease of maximum rent.* The Administrator at any time, on his own initiative or on application of the tenant, may order a decrease of the maximum rent otherwise allowable, only on the grounds that:

(1) *Rent higher than rent generally prevailing.* The maximum rent for the room is higher than the rent generally prevailing in the Defense-Rental Area for comparable housing accommodations on September 1, 1943.

(2) *Substantial deterioration.* There has been a substantial deterioration of the room other than ordinary wear and tear since the date or order determining its maximum rent.

(3) *Decrease in services, furniture, furnishings, or equipment.* There has been a decrease in the minimum services, furniture, furnishings or equipment required by section 3 since the date or order determining the maximum rent.

(4) *Seasonal demand.* The rent on the date determining the maximum rent for the room was substantially higher than at other times of year by reason of seasonal demand for such room. In such cases the Administrator's order may if he deems it advisable provide for different maximum rents for different periods of the calendar year.

(d) *Orders when facts are in dispute, in doubt, or not known.* If the rent on the date determining the maximum rent, or any other fact necessary to the determination of the maximum rent, is in dispute between the landlord and the tenant, or is in doubt, or is not known, the Administrator on petition of the landlord filed on or before November 15, 1943, or at any time on his own initiative, may enter an order fixing the maximum rent by determining such fact; or if the Administrator is unable to ascertain such fact he shall enter the order on the basis of the rent which he finds was generally prevailing in the Defense-Rental Area for comparable housing accommodations on September 1, 1943.

(e) *Interim orders.* Where a petition is filed by a landlord on one of the grounds set out in paragraph (a) of this section, the Administrator may enter an interim order increasing the maximum rent until further order, subject to refund by the landlord to the tenant of any amount received in excess of the maximum rent established by final order upon such petition. The receipt by the landlord of any increased rent authorized by such interim order shall constitute an agreement by the landlord with the tenant to refund to the tenant any amount received in excess of the maximum rent established by final order. The landlord shall make such refund either by repayment in cash or, where the tenant remains in occupancy after the effective date of the final order, by deduction from the next installment of rent, or both.

SECTION 6. *Removal of tenant*—(a) *Restrictions on removal of tenant.* So long as the tenant continues to pay the rent to which the landlord is entitled, no tenant of a room within a hotel or rooming house shall be removed from such room, by action to evict or to recover possession, by exclusion from possession, or otherwise, nor shall any person attempt such removal or exclusion from possession, notwithstanding that such tenant has no lease or that his lease or other rental agreement has expired or otherwise terminated unless:

(1) *Tenant's refusal to renew lease.* The tenant, who had a written lease or other written rental agreement, has refused upon demand of the landlord to execute a written extension or renewal thereof for a further term of like duration but not in excess of one year but otherwise on the same terms and conditions as the previous lease or agreement except insofar as such terms and conditions are inconsistent with this regulation; or

(2) *Tenant's refusal of access.* The tenant has unreasonably refused the landlord access to the room for the purpose of inspection or of showing the room to a prospective purchaser, mortgagee or prospective mortgagee, or other person having a legitimate interest therein: *Provided, however,* That such refusal shall not be ground for removal or eviction if such inspection or showing of the room is contrary to the provisions of the tenant's lease or other rental agreement; or

(3) *Violating obligation of tenancy or committing nuisance.* The tenant (i) has violated a substantial obligation of his tenancy, other than an obligation to pay rent, and has continued, or failed to cure such violation after written notice by the landlord that the violation cease, or (ii) is committing or permitting a nuisance or is using or permitting a use of the room for an immoral or illegal purpose; or

(4) *Demolition or alteration by landlord.* The landlord seeks in good faith to recover possession for the immediate purpose of demolishing the room or of substantially altering or remodeling it in a manner which cannot practicably be done with the tenant in occupancy and the plans for such alteration or remodeling have been approved by the proper authorities, if such approval is required by local law; or

(5) *Room not offered for rent.* The landlord seeks in good faith not to offer the room for rent. If a tenant has been removed or evicted from a room under this paragraph (a) (5), the landlord shall file a written report on a form provided therefor before renting the room during a period of 6 months after such removal or eviction.

(b) *Administrator's certificate.* No tenant shall be removed or evicted on grounds other than those stated above unless, on petition of the landlord, the Administrator certifies that the landlord may pursue his remedies in accordance with the requirements of the local law. The Administrator shall so certify if the landlord establishes that removals or evictions of the character proposed are not inconsistent with the purposes of the Act or this regulation and would not be likely to result in the circumvention or evasion thereof.

(c) *Notice to Area Rent Office.* At the time of commencing any action to remove or evict a tenant (except an action based on non-payment of a rent not in excess of the maximum rent) the landlord shall give written notice thereof to the Area Rent Office stating the title and number of the case, the court in which it is filed, the name and address of the tenant and the grounds on which eviction is sought.

(d) *Exceptions from section 6.* The provisions of this section do not apply to:

(1) *Subtenants.* A subtenant or other person who occupied under a rental agreement with the tenant where removal or eviction of the subtenant or other such occupant is sought by the landlord of the tenant, unless under the local law there is a tenancy relationship between the landlord and the subtenant or other such occupant.

(2) *Daily or weekly tenants in hotel and daily tenants in rooming house.* A tenant occupying a room within a hotel on a daily or weekly basis; or a tenant occupying on a daily basis a room within a rooming house which has heretofore usually been rented on a daily basis: *Provided,* That the provisions of this section do apply to a tenant on a daily or weekly basis who has requested a weekly or monthly term of occupancy pursuant to section 2 (b) (3) or (4).

(3) *Rooms subject to rent schedule of War or Navy Department.* Rooms rented to either Army or Navy personnel, including civilian employees of the War and Navy Departments, for which the rent is fixed by the national rent schedule of the War or Navy Department.

(4) *One or two occupants.* An occupant of a furnished room or rooms not constituting an apartment, located within the residence occupied by the landlord or his immediate family, where such landlord rents to not more than two occupants within such residence.

(5) *Renting to family in landlord's residence.* A family which on or after August 1, 1943, moves into a furnished room or rooms not constituting an apartment, located within the residence occupied by the landlord or his immediate family, where such landlord does not rent to any person within such residence other than those in the one family.

(e) *Local law.* No provision of this section shall be construed to authorize

the removal of a tenant unless such removal is authorized under the local law.

SEC. 7. *Registration and records*—(a) *Registration statement.* On or before November 15, 1943, every landlord of a room rented or offered for rent shall file a written statement on the form provided therefor, containing such information as the Administrator shall require, to be known as a registration statement. Any maximum rent established after October 15, 1943 under paragraphs (b) or (c) of section 4 shall be reported either on the first registration statement or on a statement filed within 5 days after such rent is established.

(b) *Posting maximum rents.* On or before December 15, 1943, every landlord shall post and thereafter keep posted conspicuously in each room rented or offered for rent a card or sign plainly stating the maximum rent or rents for all terms of occupancy and for all numbers of occupants for which the room is rented or offered for rent. Should the maximum rent or rents for the room be changed by order of the Administrator the landlord shall alter the card or sign so that it states the changed rent or rents.

The foregoing provisions of this paragraph shall not apply to rooms under section 4 (d). The owner of such rooms shall post a copy of the registration statement in a place where it will be available for inspection by the tenants of such rooms.

(c) *Receipt for amount paid.* No payment of rent need be made unless the landlord tenders a receipt for the amount to be paid.

(d) *Rooms subject to rent schedule of War or Navy Department.* The provisions of this section shall not apply to rooms rented to either Army or Navy personnel, including civilian employees of the War and Navy Departments for which the rent is fixed by the national rent schedule of the War or Navy Department.

(e) *Records*—(1) *Existing records.* Every landlord of a room rented or offered for rent shall preserve, and make available for examination by the Administrator, all his existing records showing or relating to (i) the rent for each term and number of occupants for which such room was rented or regularly offered for rent during the year ending on September 1, 1943, (ii) the rent on any date or during any thirty-day period determining a maximum rent for such room under section 4 (b) or 4 (c), and (iii) rooms rented and offered for rent on a weekly and monthly basis during September 1943.

(2) *Record keeping.* On and after October 15, 1943, every landlord of an establishment containing more than 20 rooms rented or offered for rent shall keep, preserve, and make available for examination by the Administrator, records showing the rents received for each room, the particular term and number of occupants for which such rents were charged, and the name and permanent address of each occupant; every other landlord shall keep, preserve, and make available for examination by the Administrator, records of the same kind as he has customarily kept relating to the rents received for rooms.

SEC. 8. *Inspection.* Any person who rents or offers for rent or acts as a broker or agent for the rental of a room and any tenant shall permit such inspection of the room by the Administrator as he may from time to time require.

SEC. 9. *Evasion.* The maximum rents and other requirements provided in this regulation shall not be evaded, either directly or indirectly in connection with the renting or leasing or the transfer of a lease of a room, by requiring the tenant to pay or obligate himself for membership or other fees, or by modification of the practices relating to payment of commissions or other charges, or by modification of the services furnished with the room, or otherwise.

SEC. 10. *Enforcement.* Persons violating any provisions of this regulation are subject to criminal penalties, civil enforcement actions, and suits for treble damages as provided for by the Act.

SEC. 11. *Procedure.* All registration statements, reports and notices provided for by this regulation shall be filed with the Area Rent Office. All landlord's petitions and tenant's applications shall be filed with such office in accordance with Revised Procedural Regulation No. 3 (§§ 1300.201 to 1300.253, inclusive).

SEC. 12. *Petitions for amendment.* Persons seeking any amendment of general applicability to any provision of this regulation may file petitions therefor in accordance with Revised Procedural Regulation No. 3 (§§ 1300.201 to 1300.253, inclusive).

SEC. 13. *Definitions.* (a) When used in this regulation the term:

(1) "Act" means the Emergency Price Control Act of 1942.

(2) "Administrator" means the Price Administrator of the Office of Price Administration, or the Rent Director or such other person or persons as the Administrator may appoint or designate to carry out any of the duties delegated to him by the Act.

(3) "Rent Director" means the person designated by the Administrator as director of the Defense-Rental Area or such person or persons as may be designated to carry out any of the duties delegated to the Rent Director by the Administrator.

(4) "Area Rent Office" means the Office of the Rent Director in the Defense-Rental Area.

(5) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing.

(6) "Housing accommodations" means any building structure, or part thereof, or land appurtenant thereto, or any other real or personal property rented or offered for rent for living or dwelling purposes (including houses, apartments, hotels, rooming or boarding house accommodations, and other properties used for living or dwelling purposes), together with all privileges, services, furnishings, furniture, equipment, facilities and improvements connected with the use or occupancy of such property.

(7) "Room" means a room or group of rooms rented or offered for rent as a unit in a hotel or rooming house. The term includes ground rented as space for a trailer.

(8) "Services" includes repairs, decorating, and maintenance, the furnishing of light, heat, hot and cold water, telephone, elevator service, window shades, and storage, kitchen, bath, and laundry facilities and privileges, maid service, linen service, janitor service, the removal of refuse and any other privilege or facility connected with the use or occupancy of a room.

(9) "Landlord" includes an owner, lessor, sublessor, assignee or other person receiving or entitled to receive rent for the use or occupancy of any room, or an agent of any of the foregoing.

(10) "Tenant" includes a subtenant, lessee, sublessee, or other person entitled to the possession or to the use or occupancy of any room.

(11) "Rent" means the consideration, including any bonus, benefit, or gratuity demanded or received for the use or occupancy of a room or for the transfer of a lease of such room.

(12) "Term of occupancy" means occupancy on a daily, weekly, or monthly basis.

(13) "Hotel" means any establishment generally recognized as such in its community, containing more than 50 rooms and used predominantly for transient occupancy.

(14) "Rooming house" means, in addition to its customary usage, a building or portion of a building other than a hotel in which a furnished room or rooms not constituting an apartment are rented on a short time basis of daily, weekly, or monthly occupancy to more than two paying tenants not members of the landlord's immediate family. The term includes boarding houses, dormitories, auto camps, trailers, residence clubs, tourist homes or cabins, and all other establishments of a similar nature.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 shall apply to other terms used in this regulation.

Effective date. This regulation shall become effective October 15, 1943.

NOTE: All reporting and record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 12th day of October 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-16733; Filed, October 14, 1943; 9:21 a. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Correction to Rent Reg. for Housing in the Miami Defense-Rental Area[1]]

MIAMI AREA, FLA.

Under the authority vested in the Administrator by the Emergency Price Control Act of 1942, the following correction of the Rent Regulation for Housing in the Miami Defense-Rental Area is hereby issued.

The reference to "§ 1388.1231" is deleted and replaced by "§ 1388.1241."

Issued this 13th day of October 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-16732; Filed, October 14, 1943; 9:21 a. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Rent Reg. for Housing in the Miami Defense-Rental Area,[1] Amdt. 1]

MIAMI AREA, FLA.

Rent Regulation for Housing in the Miami Defense-Rental Area is amended in the following respects:

1. The preamble is amended to read as follows:

The Emergency Price Control Act of 1942 provides that whenever in the judgment of the Administrator such action is necessary or proper in order to effectuate the purposes of the Act, the Administrator may, by regulation or order, regulate or prohibit speculative or manipulative practices or renting or leasing practices (including practices relating to recovery of the possession) in connection with any defense-rental area housing accommodations, which in his judgment are equivalent to or likely to result in rent increases inconsistent with the purposes of the Act.

By a designation and rent declaration issued by the Administrator on October 5, 1942, the Administrator designated as defense-rental areas certain localities including the Florida Defense-Rental Area, consisting of that portion of the State of Florida not theretofore designated by the Administrator as part of any defense-rental area. By amendments to the designation and rent declaration issued by the Administrator on October 5, 1942, Dade County and the City of Hollywood and the Town of Hallandale in Broward County are separated from the Florida Defense-Rental Area and named the Miami Defense-Rental Area. Since the issuance of said designation and declaration of October 5, 1942, the number of removals of tenants from possession, by means of evictions, actions to evict, the notices to quit or vacate sharply increased and threatened to increase further in the Miami Defense-Rental Area. The purpose and effect of such removals of tenants from possession was to increase the rents of the housing accommodations involved.

In the judgment of the Administrator the increased removals of tenants from possession in the Miami Defense-Rental Area constituted speculative or manipulative practices or renting or leasing practices which were equivalent to or likely to result in rent increases inconsistent with the purposes of the Emergency Price Control Act of 1942.

Eviction Regulation No. 2 was accordingly issued by the Administrator for housing in the Miami Defense-Rental Area. This Eviction Regulation No. 2 was a temporary regulation, and is being replaced by this rent regulation for the Miami Defense-Rental Area. The provisions of section 7 of this rent regulation, requiring registration of housing accommodations, will be effective October 1, 1943 in Dade County and October 15, 1943 in the City of Hollywood and the Town of Hallandale in the County of Broward. All other provisions of the regulation will be effective November 1, 1943. The Administrator is issuing a revocation of Eviction Regulation No. 2 to become effective November 1, 1943.

In the judgment of the Administrator, rents for housing accommodations within the Miami Defense-Rental Area have not been reduced and stabilized by State or local regulation, or otherwise, in accordance with the recommendations set forth in the designation and rent declaration issued by the Administrator.

It is the judgment of the Administrator that by April 1, 1941, defense activities had not yet resulted in increases in rents for housing accommodations within the Miami Defense-Rental Area inconsistent with the purposes of the Emergency Price Control Act of 1942. The Administrator has therefore ascertained and given due consideration to the rents prevailing for housing accommodations within the Miami Defense-Rental Area on or about September 1, 1943 and during the year prior to that date. The Administrator has given due consideration to such relevant factors as he has determined and deemed to be of general applicability in respect of such housing accommodations, including increases or decreases in property taxes and other costs.

In the judgment of the Administrator, the maximum rents established by the Rent Regulation for Housing in the Miami Defense-Rental Area will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942.

2. Section 1 (a) is amended to read as follows:

SECTION 1. *Scope of this regulation*—(a) *Housing in the Miami Defense-Rental Area.* This regulation applies to all housing accommodations in the Miami Defense-Rental Area, consisting of the County of Dade and the City of Hollywood and the Town of Hallandale in the County of Broward in the State of Florida, except as provided in paragraph (b) of this section. The Miami Defense-Rental Area is referred to hereinafter in this regulation as the "Defense-Rental Area."

3. Section 1 (d) is amended to read as follows:

(d) *Waiver of benefit void.* An agreement by the tenant to waive the benefit of any provision of this regulation is void. A tenant shall not be entitled by reason of this regulation to refuse to pay or to recover any portion of any rents due or paid for use or occupancy prior to September 15, 1943 (or for housing accommodations in the City of Hollywood and the Town of Hallandale in the County of Broward, prior to October 15, 1943).

4. Section 5 (a) (5) is amended to read as follows:

(5) *Written lease for term commencing on or prior to September 1, 1941.* There was in force on September 1, 1943, or during some portion of the year ending on August 31, 1943, a written lease for a term commencing on or prior to September 1, 1941, and as a result the maximum rent for the housing accommodations is substantially lower than the maximum rent generally prevailing in the Defense-Rental Area for comparable housing accommodations.

5. Section 5 (a) (8) is amended to read as follows:

(8) *Not rented during twelve weeks of year ending August 31, 1943.* The housing accommodations were not rented during at least twelve weeks of the year ending on August 31, 1943, and the maximum rent established under section 4 for such accommodations is substantially lower than the maximum rent generally prevailing in the Defense-Rental Area for comparable housing accommodations.

6. Section 5 (b) (3) is amended to read as follows:

(3) *Adjustments of maximum rents.* If the maximum rent for a particular month is established under subparagraph (2) by either the rent on September 1, 1943 or the first rent after that date, and is substantially lower than the rent generally prevailing in the Defense-Rental Area for comparable housing accommodations for the corresponding month of the year ending on August 31, 1943, the Administrator, on petition of the landlord, may order an increase in the maximum rent. If such maximum rent is substantially higher than the rent generally prevailing in the Defense-Rental Area for comparable housing accommodations for the corresponding month of the year ending August 31, 1943, the Administrator, on his own initiative or on application of the tenant, may order a decrease in the maximum rent.

7. Section 6 (a) (6) is amended to read as follows:

(6) *Occupancy by landlord.* The landlord owned, or acquired an enforceable right to buy or the right to possession of the housing accommodations prior to September 15, 1943 (or, for housing accommodations in the City of Hollywood and the Town of Hallandale in the County of Broward, prior to Octo-

[1] 8 F.R. 13118.

ber 15, 1943), and seeks in good faith to recover possession of such accommodations for immediate use and occupancy as a dwelling for himself. If a tenant has been removed or evicted under this paragraph (a) (6) from housing accommodations, the landlord shall file a written report on a form provided therefor before renting the accommodations or any part thereof during a period of six months after such removal or eviction.

8. Section 6 (b) (2) is amended to read as follows:

(2) *Occupancy by purchaser.* Removal or eviction of a tenant of the vendor, for occupancy by a purchaser who has acquired his rights in the housing accommodations on or after September 15, 1943 (or, in housing accommodations in the City of Hollywood and the Town of Hallandale in the County of Broward, on or after October 15, 1943), is inconsistent with the purposes of the Act and this regulation and would be likely to result in the circumvention or evasion thereof, unless (i) the payment or payments of principal made by the purchaser, excluding any payments made from funds borrowed for the purpose of making such principal payments, aggregate 20% or more of the purchase price, and (ii) a period of three months has elapsed after the issuance of a certificate by the Administrator as hereinafter provided. For the purposes of this paragraph (b) (2), the payments of principal may be made by the purchaser conditionally or in escrow to the end that they shall be returned to the purchaser in the event the Administrator denies a petition for a certificate. If the Administrator finds that the required payments of principal have been made, he shall, on petition of either the vendor or purchaser, issue a certificate authorizing the vendor or purchaser to pursue his remedies for removal or eviction of the tenant in accordance with the requirements of the local law at the expiration of three months after the date of issuance of such certificate.

In no other case shall the Administrator issue a certificate for occupancy by a purchaser who has acquired his rights in the housing accommodations on or after September 15, 1943 (or, in housing accommodations in the City of Hollywood and the Town of Hallandale in the County of Broward, on or after October 15, 1943), unless he finds (i) that the vendor has or had a substantial necessity requiring the sale and that a reasonable sale or disposition of the accommodations could not be made without removal or eviction of the tenant, or (ii) that other special hardship would result, or (iii) that equivalent accommodations are available for rent, into which the tenant can move without substantial hardship or loss; under such circumstances the payment by the purchaser of 20% of the purchase price shall not be a condition to the issuance of a certificate, and the certificate may authorize the vendor or purchaser, either immediately or at the expiration of three months, to pursue his remedies for removal or eviction of the tenant in accordance with the requirements of the local law.

9. "Effective date" provision is amended to read as follows:

Effective date. Section 7 of this regulation shall become effective October 1, 1943 in the County of Dade and October 15, 1943 in the City of Hollywood and the Town of Hallandale in the County of Broward. All other provisions of this regulation shall become effective November 1, 1943.

This admendment shall become effective October 15, 1943.

NOTE: All reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Pub. Laws 421 and 729, 77th Cong.)

Issued this 13th day of October 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-16734; Filed, October 14, 1943; 9:22 a. m.]

PART 1388—DEFENSE-RENTAL AREAS

Eviction Reg. 2 for Housing in the Miami Defense-Rental Area,[1] Amdt. 2

MIAMI AREA, FLA.

Eviction Regulation No. 2 for Housing in the Miami Defense-Rental Area is amended in the following respects:

1. The preamble is amended to read as follows:

The Emergency Price Control Act of 1942 provides that whenever in the judgment of the Administrator such action is necessary or proper in order to effectuate the purposes of the Act, the Administrator may, by regulation or order, regulate or prohibit speculative or manipulative practices or renting or leasing practices (including practices relating to recovery of the possession) in connection with any defense-rental area housing accommodations, which in his judgment are equivalent to or likely to result in rent increases inconsistent with the purposes of the Act.

By a designation and rent declaration issued by the Administrator on October 5, 1942, the Administrator designated as defense-rental areas certain localities including the Florida Defense-Rental Area, consisting of that portion of the State of Florida not theretofore designated by the Administrator as part of any defense-rental area. Since the issuance of said designation and declaration, the number of removals of tenants from possession, by means of evictions, actions to evict, and notices to quit or vacate has sharply increased and threatens to increase further in Dade County and the City of Hollywood and the Town of Hallandale in Broward County, which constituted a portion of the Florida Defense-Rental Area. The purpose and effect of such removals of tenants from possession is to increase the rents of the housing accommodations involved. By amendments to the designation and rent declaration issued by the Administrator on October 5, 1942, Dade County and the City of Hollywood and the Town of Hallandale in the County of Broward are being separated from the Florida Defense-Rental Area and named the Miami Defense-Rental Area.

In the judgment of the Administrator the increased removals of tenants from possession in the Miami Defense-Rental Area constitute speculative or manipulative practices or renting or leasing practices which are equivalent to or likely to result in rent increases inconsistent with the purposes of the Emergency Price Control Act of 1942.

Provision is made in this eviction Regulation No. 2 for the freezing of rents as of September 1, 1943, for housing accommodations rented on that date and as of the first rent for housing accommodations not rented on September 1, 1943, but rented after that date. This Eviction Regulation No. 2 is a temporary one and will be replaced by a Rent Regulation to be issued by the Administrator for the Miami Defense-Rental Area. Appropriate adjustment provisions will be provided in the Rent Regulation to replace this Eviction Regulation No. 2.

In the judgment of the Administrator, the provisions of this Eviction Regulation No. 2 are necessary and proper to effectuate the purposes of the Emergency Price Control Act of 1942.

2. Section 1 (a) is amended to read as follows:

SEC. 1. *Scope of regulation*—(a) *Housing in the Miami Defense-Rental Area.* This regulation applies to all housing accommodations in the Miami Defense-Rental Area, consisting of the County of Dade and the City of Hollywood and the Town of Hallandale in the County of Broward, in the State of Florida, except as provided in paragraph (b) of this section. The Miami Defense-Rental Area is referred to hereinafter in this regulation as the "Defense-Rental Area."

"September 1, 1943" is the date referred to in this regulation wherever the words "the maximum rent date" are used.

The words "the effective date of regulation" used in this regulation refer to the dates this regulation becomes effective. For housing accommodations in the County of Dade, "the effective date of regulation" is September 15, 1943. For housing accommodations in the City of Hollywood and the town of Hallandale, in the county of Broward, "the effective date of regulation" is October 15, 1943.

This amendment shall become effective October 15, 1943.

NOTE: All reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Pub. Laws 421 and 729, 77th Cong.)

Issued this 13th day of October 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-16735; Filed, October 14, 1943; 9:22 a. m.]

[1] 8 F.R. 12622, 12693.

PART 1499—COMMODITIES AND SERVICES

[Order 108 Under SR 15]

DEXTER HUBBARD

Order No. 108 under §1499.75 (a) (3) of Supplementary Regulation No. 15 to the General Maximum Price Regulation; Docket No. GF3-3288.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.2208 *Adjustment of maximum prices for contract carrier services furnished by Dexter Hubbard.* (a) Dexter Hubbard, 20 Second Street, Camden, New York may sell and deliver contract carrier services to the Camden Wire Company, Inc., Camden, New York in connection with the transportation of copper rods, copper wire, reels and spools from, to and between Connecticut, Massachusetts, New Jersey, New York and Rhode Island, at prices not to exceed those hereinafter set forth:

	Points *Rate per cwt.*
Copper wire:	
From Camden, N. Y., to New York, N. Y., Newark, N. J., Pawtucket, R. I. (b) L. T. L.	58½
15,000 load 1 way	58½
Over 15,000	48½
From Camden, N. Y., to Worcester, Mass., and return	46
Between Camden, N. Y., and Bridgeport, Conn., and New Haven, Conn., and from Camden, N. Y. to Bristol, R. I., Springfield, Mass., Providence, R. I.	58½
From Camden, N. Y., to Schenectady, N. Y.:	
Under 15,000	48½
Over 15,000	45½
From Camden, N. Y., to Wawarsing, Cobleskill, Kingston and New York City, N. Y.:	
Under 15,000	65½
Over 15,000	58½
Copper Rods:	
From Elizabeth, N. J., and Ansonia, Conn., to Camden, N. Y.	46
From Rome, N. Y., to Camden, N. Y.:	
Under 15,000	23½
Over 15,000	18½
Reels and/or spools:	
Bristol, R. I., and Providence, R. I., to Camden, N. Y.	58½
From Schenectady, N. Y., to Camden, N. Y.	43½
From Wawarsing, Cobleskill, Kingston and New York City, N. Y.	58½

(b) All requests of the application not granted herein are denied.

(c) This Order No. 108 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 108 (§ 1499.2208) shall become effective October 14, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 13th day of October 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-16731; Filed, October 14, 1943; 9:19 a. m.]

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[RO 1A,[1] Amdt. 57]

TIRES, TUBES, RECAPPING AND CAMELBACK

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Ration Order No. 1A is amended in the following respects:

1. Section 1315.804 (c) (3) is amended by deleting the phrase "subparagraph (1)" and inserting in lieu thereof the phrase "subparagraphs (1) and (9)".

2. Section 1315.804 (c) (9) is added to read as follows:

(9) *Restrictions on dealer inventories.* A dealer in the Continental United States shall not acquire new tires or tubes from a manufacturer or dealer:

(i) Unless his acceptance of the transfer will not result in his inventory of products in each group listed below, on hand and on order, being greater than his total unit sales of products in each group for the sixty (60) day period preceding his order, or greater than one-third of his total unit sales of products in each group during the one hundred eighty (180) days preceding his order, whichever is greater, and

(ii) Unless a certification to that effect is attached to the dealer's purchase order.

GROUPS OF PRODUCTS

1. New passenger and motorcycle tires.
2. New passenger and motorcycle tubes.
3. New truck, bus and special purpose tires.
4. New truck, bus and special purpose tubes.
5. New farm tractor-implement tires.
6. New farm tractor-implement tubes.
7. New solid truck-trailer tires.

The provisions of this paragraph shall not apply to the acquisition of allotments of new tires or tubes authorized by a District Director.

3. Section 1315.901 (n) is added to read as follows:

(n) *Transfers without certification.* No dealer or manufacturer shall transfer new tires or tubes to a dealer unless the acquiring dealer attaches the certification required of him by § 1315.804 (c) (9) to his purchase order.

This amendment shall become effective October 19, 1943.

(Pub. Law 671, 76th Cong. as amended by Pub. Laws 89, 421 and 507, 77th Cong.; E.O. 9125, 7 F.R. 2719, issued April 7, 1942, WPB Dir. No. 1, 7 F.R. 562, Supp. Dir. No. 1Q, 7 F.R. 9121)

Issued this 14th day of October 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-16766; Filed, October 14, 1943; 11:39 a. m.]

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 9160, 9392, 9724.

PART 1364—FRESH, CURED AND CANNED MEAT AND FISH PRODUCTS

[MPR 418,[1] Amdt. 12]

FRESH FISH AND SEAFOOD

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Maximum Price Regulation No. 418 is amended in the following respects:

1. Footnote 29 following Table A in section 20 is amended to read as follows:

[29] On sales in California to others than canners 2 cents per pound may be added to the listed price.

2. The effective date provision of Amendment No. 6 to Maximum Price Regulation No. 418 is amended to read as follows:

This amendment shall become effective December 1, 1943.

This amendment shall become effective October 15, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 13th day of October 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-16730; Filed, October 14, 1943; 9:20 a. m.]

PART 1432—RATIONING OF CONSUMERS' DURABLE GOODS

[RO 9A,[2] Amdt. 2]

STOVES

A Rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Ration Order 9A is amended in the following respects:

1. Section 6.5 (b) is added as follows:

(b) However, a manufacturer or distributor (called the seller) may refuse to sell or transfer a stove to any person, for delivery or shipment in an area, other than to a particular dealer or distributor, if an "exclusive sales arrangement" covering that area and kind of stove exists between the seller and the particular dealer or distributor and if all of the following conditions are met:

(1) The exclusive sales arrangement was entered into before December 19, 1942;

(2) Since the date the arrangement was entered into, the seller has made no sales or other transfers of that kind of stove to any person for delivery or shipment in the area, other than to the particular dealer or distributor (not including, however, a sale or transfer made before August 24, 1943, on an order bearing a preference rating assigned by the War Production Board); and

[1] 8 F.R. 9366, 10086, 10513, 10939, 11734, 11687, 12468, 12233, 12698, 13297, 13182, 13302.

[2] 8 F.R. 11564, 12749, 13060.

(3) Within the limits of his established credit requirements, no restriction is imposed by the seller on the number of stoves of that kind he will sell or transfer to the particular dealer or distributor for delivery or shipment in the area, except the minimum number, if any, he uniformly requires on all orders.

2. Section 6.5 (c) is added as follows:

(c) The term "exclusive sales arrangement" as used in this Section means an arrangement between the seller and a particular dealer or distributor by which the seller sells or transfers all or certain kinds of stoves, for delivery or shipment in a specified area to, and only to, the particular dealer or distributor.

This amendment shall become effective October 19, 1943.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong., Pub. Laws 421 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; WPB Dir. 1, 7 F.R. 562, and Supp. Dir. 1–S, 8 F.R. 6018)

Issued this 14th day of October 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43–16765; Filed, October 14, 1943; 11:39 a. m.]

Chapter XIII—Petroleum Administration for War

[PAO 12, as amended Oct. 13, 1943]

PART 1528—MATERIAL CONSERVATION; MARKETING

The fulfillment of the requirements for the defense of the United States has created a shortage in the supply of material for the marketing of petroleum for defense, for private account and for export; and the following order is deemed necessary in the public interest to promote the national defense and provide adequate supplies of petroleum for military and other essential uses.

§ 1528.1 *Petroleum Administrative Order No. 12*—(a) *Scope of order.* The provisions of this order shall be applicable to petroleum marketing operations in the United States, its territories or possessions and to the use of material for such operations.

(b) *Definitions.* (1) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons, whether incorporated or not.

(2) "Marketing" means the operation of all facilities (other than petroleum terminal or terminal storage facilities or marine, rail, pipeline or truck facilities used to transport petroleum) for distributing or dispensing petroleum (excluding natural or liquefied petroleum gas), including without limitation the operation of service stations, substations, bulk plants, warehouses, wholesale depots, or facilities operated by "consumer accounts".

(3) "Materials" means any commodity, equipment, accessory, part, assembly, or product of any kind.

(4) "Structure" means any building, physical construction or portion thereof, used in marketing, but not including equipment used therein.

(5) "Equipment" means dispensing pumps, other than "drum" or "barrel" pumps as these terms are known to the trade, and storage tanks (including but not limited to skid tanks) having a capacity of more than 65 gallons used in marketing.

(6) "Maintenance and repair" means (without regard to accounting practice):

(i) The upkeep of any structure or equipment in a sound working condition or the restoration or fixing of any structure or equipment which has broken down or is worn out, damaged or destroyed;

(ii) Any other use of material not exceeding in material cost five hundred dollars ($500.00) for any one complete operation which has not been subdivided for the purpose of coming within this definition:

Provided, That maintenance and repair shall not include (*a*) any use of material in connection with a service station or retail outlet other than for upkeep or restoration purposes; or (*b*) the installation or replacement of any equipment.

(7) "Farm" means any plot of land at least 10 acres of which are used for agricultural purposes for profit.

(8) "Supplier" means any person, other than an ultimate consumer, supplying petroleum directly or indirectly.

(9) "Advertising material" means any material (other than non-metallic material) used for such display or advertising purposes as are incident to marketing.

(c) *Restriction on use of material.* Subject to the exceptions in paragraph (d), no person shall:

(1) Construct, reconstruct, expand, alter or remodel any structure;

(2) Install equipment or advertising material;

(3) Construct, equip or locate any tank truck or tank trailer where such tank truck or tank trailer is used or is to be used to deliver petroleum into the fuel supply tanks of passenger motor vehicles.

(d) *Permitted uses of material.* The provisions of paragraph (c) shall not apply in the following instances:

(1) To any case where material is to be used by any person for the maintenance and repair of any structure or equipment.

(2) To any case where the structure or equipment is to be used exclusively for the official requirements of the armed forces of the United States.

(3) To any case where equipment is to be installed as a replacement of equipment the repair of which cannot be effected on the premises: *Provided,* That

(i) In the case of storage tanks having a capacity of more than 65 gallons, the capacity of the tank which is to be installed does not exceed the capacity of the tank which is to be replaced;

(ii) In the case of dispensing pumps, the pump which is to be installed is of similar type and design as the pump which is to be replaced.

(4) To any case where any dispensing pump completely fabricated prior to January 14, 1942

(i) Is to be installed to replace a dispensing pump manufactured not less than five years prior to the date of such installation and which is rendered unfit for further use and is sold or otherwise delivered for scrap within 10 days after such replacement; or

(ii) Is to be installed at any location from which such dispensing pump had been previously removed for safe-keeping for a period of at least two months or is to be installed as a replacement of a pump of the same type and design which had been removed from such location for safe-keeping for a period of at least two months: *Provided,* That any person installing a dispensing pump pursuant to this paragraph (d) (4) (ii) shall keep a record showing the date and location of the removal, the type and design of the pump removed, the date of the installation and the type and design of the newly installed pump.

(5) To any case where equipment is to be installed to distribute petroleum to machinery or vehicles used directly in physical construction work on any project to which preference ratings higher than AA–3 have been assigned: *Provided,* That such equipment shall be withdrawn from the location of the project upon the completion thereof and shall thereafter be subject to the provisions of this order.

(6) To any case where equipment is to be installed to contain, distribute or dispense fuel oil, including grades Nos. 1, 2, 3, 4, 5, or 6, Bunker "C", kerosene, range oil or gas oils, to stationary consuming facilities; *Provided,* That such equipment is not installed at any structure for use in carrying out marketing functions regularly performed by a service station, substation, bulk plant, warehouse, or wholesale depot.

(7) To any case where equipment completely fabricated on or before January 14, 1942 is to be installed on a farm and is used exclusively to dispense petroleum products to the machinery or vehicles used directly in operations on such farm: *Provided,* That no supplier shall have any interest, legal or equitable, in such equipment and that no restrictions, other than those required by law, are imposed directly or indirectly on the use of such equipment by oral or written contract, agreement, understanding or by any means or device whatsoever whereby the use of such equipment is limited to the dispensing of petroleum products of any supplier or suppliers.

(8) To any case where advertising material which was completely fabricated, but not necessarily assembled, on or before March 30, 1942, is to be installed.

(9) To any case where an authorized official of the Petroleum Administration for War has determined that the construction, reconstruction, expansion or remodeling of any structure, the installation of equipment or advertising material, or the construction, equipping or locating of any tank truck or trailer is necessary and appropriate in the public interest and contributes to the successful

prosecution of the war. Application for such a determination shall be filed in triplicate on Form PAW 23.

(e) *Application and correspondence.* All correspondence and all applications filed under paragraph (d) (9) shall, unless otherwise directed, be addressed to the District Director of Marketing, Petroleum Administration for War at:

(1) 122 East 42nd Street, New York, New York, if the material is to be used in the States of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Pennsylvania, Maryland, Virginia, West Virginia, North Carolina, South Carolina, Georgia, Florida, or the District of Columbia.

(2) 1200 Blum Building, 624 South Michigan Avenue, Chicago, Illinois, if the material is to be used in the States of Ohio, Kentucky, Tennessee, Indiana, Michigan, Illinois, Wisconsin, Minnesota, Iowa, Missouri, Oklahoma, Kansas, Nebraska, South Dakota, or North Dakota.

(3) 245 Mellie Esperson Building, Houston, Texas, if the material is to be used in the States of Alabama, Mississippi, Louisiana, Arkansas, Texas or New Mexico.

(4) 320 First National Bank Building, Denver, Colorado, if the material is to be used in the States of Montana, Wyoming, Colorado, Utah, or Idaho.

(5) 855 Subway Terminal Building, Los Angeles, California, if the material is to be used in the States of Arizona, Californio, Nevada, Oregon, or Washington, or the Territories of Alaska or Hawaii.

(f) *Violations.* Any person who wilfully violates any provision of this order or who, by any act or omission, falsifies records kept or information furnished in connection with this order is guilty of a crime and upon conviction may be punished by fine or imprisonment.

Any person who wilfully violates any provision of this order may be prohibited from delivering or receiving any material under priority control, or such other action may be taken as is deemed appropriate.

(E.O. 9276, 7 F.R. 10091; E.O. 9125, 7 F.R. 2719; Directive No. 30 of the War Production Board, 8 F.R. 11559; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws. 89 and 507, 77th Cong.)

Issued this 13th day of October 1943.

RALPH K. DAVIES,
Deputy Petroleum Administrator for War.

[F. R. Doc. 43-16721; Filed, October 13, 1943; 1:48 p. m.]

[PAO 13, as Amended Oct. 13, 1943]

PART 1526—MARKETING FUEL OIL

The fulfillment of the requirements for the defense of the United States has created in certain areas a shortage in the supply of fuel oil for defense, for private account, and for export; and the following order is deemed necessary and appropriate in the public interest to promote the national defense and to provide adequate supplies of fuel oil for military and other essential uses.

§ 1526.3 *Petroleum Distribution Order No. 13*—(a) *Definitions.* (1) "Additional facilities" means any equipment designed to use fuel oil, other than internal combustion engines, equipment used for domestic cooking or illumination purposes, or raising and preparing for market crops, poultry, livestock or other agricultural products, which equipment if located in Area One and Area Two has been installed subsequent to Jul 31, 1942, or if located in Area Three is installed subsequent to July 22, 1943, and the term shall include only those space heaters (whether or not installed) in Area One which were transferred subsequent to December 19, 1942, and those space heaters in Area Two (whether or not installed) which were transferred subsequent to March 15, 1943, and those space heaters in Area Three (whether or not installed) transferred subsequent to August 24, 1943: *Provided,* That the replacement of worn-out parts or the replacement of oil burning equipment for the purpose of increasing the efficiency thereof shall not be deemed to be the installation of additional facilities.

(2) "Alternate fuel" means any fuel other than fuel oil, electricity, natural gas, manufactured gas or mixed natural and manufactured gas.

(3) "Area One" means the area specified in paragraph (a) of Exhibit A hereof.

(4) "Area Two" means the area specified in paragraph (b) of Exhibit A hereof.

(5) "Area Three" means the area specified in paragraph (c) of Exhibit A hereof.

(6) "Coal spraying equipment" means any equipment designed to use or using fuel oil or any other petroleum product for the purpose of applying such fuel oil or other petroleum product to coal.

(7) "Converted facilities" means any fuel oil burning equipment which was designed to use an alternate fuel and which has been converted to the use of fuel oil.

(8) "Fuel oil" means any liquid petroleum product commonly known as fuel oil, including grades Nos. 1, 2, 3, 4, 5, and 6, Bunker "C", Diesel oil, kerosene, range oil, gas oil, or any other liquid petroleum products (except gasoline) used for the same purposes as the above designated grades.

(9) "Passenger automobile" means any motor vehicle, other than a motorcycle, built primarily for the purpose of transporting passengers and having a rated seating capacity of seven persons or less.

(10) "Person" means any individual, partnership, corporation, association, government or government agency, or any other organized group or enterprise.

(11) "Space heater" means any fuel oil burning equipment (including portable heaters) designed to heat the space adjacent to such equipment without the use of pipes or ducts for conveying heat to such space.

(12) "Standby facilities" means equipment (other than fireplaces) in serviceable operating condition designed to use an alternate fuel, for the operation of which a supply of such fuel is available.

(13) "Transfer" means to sell, give, exchange, lease, lend, deliver, receive, supply or furnish, and includes the acquisition of title by legal process or operation of law, such as, but not limited to, the acquisition of title by will, inheritance or foreclosure; it also includes the use by any dealer or supplier of fuel oil held by him; but does not include the creation of a security interest or security title involving no change in possession. Delivery to a carrier for shipment, or by a carrier in the course of or in completion of shipment, shall not be deemed a transfer to or by such carrier.

(b) *Prohibited transfers of fuel oil.* (1) No person shall transfer or accept a transfer of fuel oil or any other petroleum product for use in the operation of coal spraying equipment: *Provided,* That nothing herein contained shall prohibit any person from transferring or accepting a transfer of fuel oil or any other petroleum product for such use when required to expedite the unloading of railroad cars in cold weather where all of the following conditions are fully complied with:

(i) The coal to be sprayed shall have been screened through not larger than a one and one-quarter inch (1¼") round hole or equivalent screen.

(ii) The quantity of fuel oil or other petroleum product used in spraying such coal shall not be in excess of one quart to each ton of coal sprayed.

(iii) Such coal shall be sprayed at the mine only and only during the months of December, January, February and March.

(iv) Such coal shall be destined for and shipped only to points outside of the States of South Carolina, Georgia, Florida, Alabama, Mississippi, Arkansas, Louisiana, Oklahoma, Texas, New Mexico, Arizona or California.

(2) No person shall transfer or accept a transfer of fuel oil for use in the operation of additional facilities or converted facilities except:

(i) Where in the case of new construction, the additional facilities were specified in the construction contract and the foundation under the main part of the structure in which the adidtional facilities were to be installed was completed, in Area One and Area Two prior to July 31, 1942, or in Area Three prior to July 22, 1943;

(ii) Where in the case of converted facilities, such conversion was completed, in Area One and Area Two prior to July 31, 1942, or in Area Three prior to July 22, 1943;

(iii) Where in the case of either additional or converted facilities, the person using such facilities cannot use an alternate fuel either because such fuel is unavailable or because technical utilization factors prevent its use;

(iv) Where the additional facility is a space heater and one of the following facts is established:

(*a*) A War Price and Rationing Board established by the Office of Price Administration has issued a ration for the operation of a space heater until the earliest date such space heater can be replaced by equipment using an alternate fuel.

(*b*) A War Price and Rationing Board established by the Office of Price Administration has issued an auxiliary ration

for the operation of such space heater; or

(c) Such space heater is used to heat the same premises heated by it, in Area One prior to December 19, 1942, or in Area Two prior to March 15, 1943, or in Area Three prior to August 24, 1943; or

(d) For the purposes of increasing efficiency, such space heater replaces a space heater which is not an additional facility or which is specified in paragraph (b) (2) (iv) (c); or

(e) Such space heater is used in a house trailer; or

(f) Such space heater has been acquired pursuant to Ration Order No. 9 or Ration Order No. 9A issued by the Office of Price Administration; or

(g) Such space heater at the time the applicant acquired it was not "new" as defined in Ration Order No. 9 or Ration Order No. 9A, and the applicant was eligible for a new space heater pursuant to Ration Order No. 9 or Ration Order No. 9A.

(3) No person shall transfer or accept a transfer of fuel oil for use in the operation of fuel oil burning equipment where standby facilities are available unless such standby facilities are operated to take the place of such equipment to the maximum possible extent and to effect the maximum reduction of fuel oil requirements.

(4) No person shall transfer or accept a transfer of fuel oil for the operation of a passenger automobile.

(5) No person shall transfer or accept a transfer of fuel oil for use in the operation of weed spraying or weed burning equipment for weed control purposes on any road, street, highway or railway right-of-way.

(c) *Directions as to conversions.* The Petroleum Administrator for War or any designated representative of the Petroleum Administration for War, may, from time to time, examine and investigate the fuel oil burning facilities owned or operated by any person for the purpose of determining whether such equipment can be converted to the use of a fuel other than fuel oil. In making such investigation facts and circumstances which may relate to the particular problem, including the availability of substitute fuel, shall be considered. If it is found that the fuel oil burning facilities of any person may be converted to the use of a fuel other than fuel oil and that a supply of such fuel is available, without any unreasonable expenditure upon the part of the person and without working any exceptional or unreasonable hardship upon such person, then the Petroleum Administrator for War may, after notice sufficient to permit such conversion, forbid further transfers of fuel oil for use in such facilities.

(d) *Appeals.* Any person affected by this order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him may file an appeal setting forth the pertinent facts and the reasons why he considers himself entitled to relief. All appeals shall be filed in quadruplicate.

(e) *Appeals and correspondence.* All correspondence and all appeals filed under paragraph (d) shall, unless otherwise directed, be addressed to the District Director of Marketing, Petroleum Administration for War at:

(1) 122 East 42nd Street, New York, New York, if the fuel oil is to be delivered or used in the States of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Pennsylvania, Maryland, Virginia, West Virginia, North Carolina, South Carolina, Georgia, or Florida, or the District of Columbia.

(2) 1200 Blum Building, 624 South Michigan Avenue, Chicago, Illinois, if the fuel oil is to be delivered or used in the States of Ohio, Kentucky, Tennessee, Indiana, Michigan, Illinois, Wisconsin, Minnesota, Iowa, Missouri, Oklahoma, Kansas, Nebraska, South Dakota, or North Dakota.

(3) 245 Mellie Esperson Building, Houston, Texas, if the fuel oil is to be delivered or used in the States of Alabama, Mississippi, Louisiana, Arkansas, Texas, or New Mexico.

(4) 320 First National Bank Building, Denver, Colorado, if the fuel oil is to be delivered or used in the States of Montana, Wyoming, Colorado, Utah, or Idaho.

(5) 855 Subway Terminal Building, Los Angeles, California, if the fuel oil is to be delivered or used in the States of Arizona, California, Nevada, Oregon, or Washington, or the Territories of Alaska or Hawaii.

(f) *Violations.* Any person who wilfully violates any provision of this order, or who, by any act or omission, falsifies records kept or information furnished in connection with this order is guilty of a crime and upon conviction may be punished by fine or imprisonment.

Any person who wilfully violates any provision of this order may be prohibited from delivering or receiving any material under priority control, or such other action may be taken as is deemed appropriate.

(E.O. 9276, 7 F.R. 10091; E.O. 9125, 7 F.R. 2719; Directive No. 30 of the War Production Board 8 F.R. 11559; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 13th day of October 1943.

RALPH K. DAVIES,
Deputy Petroleum Administrator for War.

EXHIBIT A

(a) Area One: The States of Connecticut, Delaware, Florida (east of the Apalachicola River), Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia.

(b) Area Two: The States of Oregon and Washington.

(c) Area Three: The States of Alabama, Arizona, Arkansas, California, Colorado, Florida (west of the Apalachicola River), Idaho, Louisiana, Mississippi, Montana, Nevada, New Mexico, Texas, Utah, and Wyoming.

[F. R. Doc. 43-16722; Filed, October 13, 1943; 1:48 p. m.]

TITLE 46—SHIPPING

Chapter II—Coast Guard: Inspection and Navigation

Subchapter O—Regulations Applicable to Certain Vessels and Shipping During Emergency

PART 153—BOATS, RAFTS AND LIFESAVING APPLIANCES: REGULATIONS DURING EMERGENCY

AMENDMENTS TO REGULATIONS AND APPROVAL OF EQUIPMENT

By virtue of the authority vested in me by R.S. 4405, 4417a, 4426, 4488, 4491, 49 Stat. 1544 (46 U.S.C. 375, 391a, 404, 481, 489, 367), and Executive Order 9083, dated February 28, 1942 (7 F.R. 1609), the following amendments to the Inspection and Navigation regulations, and approval of miscellaneous items of equipment for the better security of life at sea are prescribed:

Section 153.6 (e) is amended by the addition of a new paragraph reading as follows:

§ 153.6 *Additional equipment for lifeboats on self-propelled ocean and coastwise vessels.* * * *

(e) *First-aid kit.* * * *

First-aid kits in all lifeboats constructed after January 1, 1944, shall contain the following items of equipment in lieu of those listed above, with appropriate instructions for the use of each:

Units	*Items*
1	40" triangular bandage, 1 per pkg.
2	1" waterproof adhesive compresses, 16 per pkg.
2	Foille, two ⅝-ounce tubes per pkg. or boric acid ointment, 5% two ⅜ ounce tubes per pkg.
2	Tourniquet, forceps, scissors, 12 safety pins.
1	Iodine applicator vials, 10 cc., 3 per pkg.
1	Ammonia inhalants, 10 per pkg.
1	Eye dressing packet with three ⅛ oz. tubes yellow mercuric oxide opthalmic ointment 1%.
7	4" compress bandage, 1 per pkg.
1	Two 2 in. x 6 yd. gauze bandages (compressed).
2	Sulfanilamide crystals, 5 grams, 5 per pkg.
2	Sulfadiazine, 48 one-gram tablets.
100 tablets	Aspirin, phenacetin and caffeine, 7½ grains, 5 vials.
135 tablets	Benzedrine sulfate, 5 mgm, 3 vials.
100 tablets	Phenobarbital, 1½ grains, 2 vials.

Each package shall be inclosed in a jacket of tough, transparent material, properly sealed, which shall be watertight when submerged under one foot of water for two hours. Vials shall not be made of glass.

Instructions for use of contents shall be printed in legible type on a durable surface and attached to the inside cover of the kit. (The instructions for labelling and for use of contents will be furnished manufacturers by the Coast Guard upon request.)

Section 153.7a (m) is amended by the addition of a new paragraph reading as follows:

§ 153.7a *Equipment for life rafts approved on and after 15 March 1943* * * *

(m) *First-aid kit.* * * *

First-aid kits in all life rafts constructed after January 1, 1944, shall contain the following items of equipment in lieu of those listed above, with appropriate instructions for the use of each:

Units	*Items*
1	40" triangular bandage, 1 per pkg.
2	1" waterproof adhesive compresses, 16 per pkg.
2	Foille, two ⅝ ounce tubes per pkg., or boric acid ointment, 5%, two ⅗ ounce tubes per pkg.
2	Tourniquet, forceps, scissors, 12 safety pins
1	Iodine applicator vials, 10 cc, 3 per pkg.
1	Ammonia inhalants, 10 per pkg.
1	Eye dressing packet with three ⅛ oz. tubes yellow mercuric oxide opthalmic ointment 1%
7	4" compress bandage, 1 per pkg.
1	Two 2 in. x 6 yd. gauze bandages (compressed)
2	Sulfanilamide crystals, 5 grams, 5 per pkg.
2	Sulfadiazine, 48 one-gram tablets
100 tablets	Aspirin, phenacetin and caffein, 7½ grains, 5 vials
135 tablets	Benzedrine sulfate, 5 mgm, 3 vials
100 tablets	Phenobarbital, 1½ grains, 2 vials

Each package shall be inclosed in a jacket of tough, transparent material, properly sealed, which shall be watertight when submerged under one foot of water for two hours. Vials shall not be made of glass.

Instructions for use of contents shall be printed in legible type on a durable surface and attached to the inside cover of the kit. (The instructions for labelling and for use of contents will be furnished manufacturers by the Coast Guard upon request.)

MISCELLANEOUS ITEMS OF EQUIPMENT APPROVED

The following miscellaneous items of equipment for the better security of life at sea are approved:

EMERGENCY FISHING KIT

Emergency Fishing Kit No. 10, manufactured by Pachner & Keller, Inc., Chicago, Illinois.

LIFE RAFT

20-person Super Young Steel Truss Life Raft, Model No. 4 (Dwg. No. 1740, sheets 1 to 4), manufactured by the L. A. Young Spring & Wire Corporation, 900 High Street, Oakland, California.

R. R. WAESCHE,
Commandant.

OCTOBER 13, 1943.

[F. R. Doc. 43-16751; Filed, October 14, 1943; 11:15 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

Subchapter B—Carriers by Motor Vehicles

[Ex Parte Nos. MC-13, MC-3, No. 3666]

PART 193—DRIVING OF MOTOR VEHICLES

PART 194—NECESSARY PARTS AND ACCESSORIES

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 5th day of October, A. D. 1943.

In the matter of regulations governing the transportation of explosives and other dangerous articles by motor vehicle (Ex Parte No. MC-13). In the matter of regulations for transportation of explosives and other dangerous articles (No. 3666). In the matter of need for establishing reasonable requirements to promote safety of operation of motor vehicles used in transporting property by private carriers (Ex Parte No. MC-3).

It appearing, that by an order of June 17, 1943 (8 F. R. 8562), the Commission authorized the use by common, contract, and private carriers by motor vehicle with respect to the transportation in interstate, foreign or intrastate commerce, of inflammable liquids or inflammable compressed gases in cargo tanks, of a reflector warning device to be used when electric lanterns are not available as specified therein, when motor vehicles are disabled or otherwise stopped on highways, pending further consideration and the adoption by the Commission of appropriate specifications; and

It further appearing, that by an order of August 27, 1943, the Commission relieved common, contract, and private carriers transporting inflammable liquids in intrastate commerce from compliance with the requirements of its regulations governing the transportation of explosives and other dangerous articles, but continued those requirements as to the transportation of inflammable compressed gases in interstate, foreign or intrastate commerce; and

It further appearing, that the need for the use of reflector warning devices found in the said order of June 17, 1943, the findings of which are made part of this order, will continue for an indefinite period; and

It further appearing, that an investigation by the Commission discloses a need for prescribing such standards of construction and performance of reflector warning devices as will assure the continuance of reasonably effective protection against traffic hazards from emergencies, and that the specifications hereinafter prescribed are reasonable requirements for that purpose and are consistent with the public interest;

It is ordered, That the said order of the Commission of June 17, 1943 (8 F.R. 8562), and the temporary rule prescribed therein, be vacated and set aside, effective December 1, 1943; and Parts 2 and 3 of the Motor Carrier Safety Regulations, Revised, be and they hereby are amended as follows:

Sections 193.8 (a) and 194.3 (a). Any rule of this part prescribing as necessary emergency equipment or requiring the use in emergencies of red electric lanterns, for motor vehicles used in the transportation of inflammable liquids and inflammable compressed gases in cargo tanks, particularly §§ 193.8 (a) (7a), 193.23 (b-1), (d-1), 193.24 (a-1), (b-1), 194.3 (d), (9), (g-1) of Title 49 Code of Federal Regulations (Rules Nos. 2.081 (g), 2.232, 2.234, 2.241, 2.242 and 3.491 (g) of the Motor Carrier Safety Regulations, Revised, hereafter shall be deemed to authorize, with respect to vehicles transporting inflammable liquids in cargo tanks in interstate or foreign commerce and vehicles transporting inflammable compressed gases in cargo tanks in interstate, foreign or intrastate commerce, the alternative use of reflector warning signal devices conforming to the following specifications and requirements, in lieu of red electric lanterns (the use of electric lanterns is deemed preferable), and in the manner prescribed in the said rules for such lanterns:

Each red emergency reflector warning device shall be comprised of a multiplicity of red reflecting elements on each side—not less than two—front and back, every one of which red reflecting elements shall conform as a minimum requirement to the specification for Class A Reflex Reflectors contained in the SAE Handbook, 1943 edition (published by the Society of Automotive Engineers, 29 West 39th Street, New York, N. Y.). The aggregate candlepower output of the reflecting elements of the device when tested in the perpendicular position at one-third degree as specified by SAE photometric procedure shall be not less than twelve.

If the reflecting surfaces of reflector elements would be adversely affected by dust, soot, or other foreign matter, they shall be adequately sealed within the body of the units in which they are incorporated. Each reflector device shall be of such weight and/or dimensions as to remain stable and stationary when in a 40 m. p. h. wind on any road surface on which it is likely to be used and shall be so constructed as to withstand reasonable shock without breakage. Each reflector device shall be so constructed that the reflecting elements shall be in a plane perpendicular to the plane of the roadway when placed thereon.

Reasonable protection shall be afforded each reflecting device, and the reflecting elements incorporated therein, by enclosure in a box or rack from which the three devices readily may be extracted for use. In the event the reflector devices are collapsible, locking means shall be provided to maintain the reflector elements in effective position, and such locking means shall be readily capable of adjustment without the use of tools or special equipment.

Each unit of a set of three red emergency reflector warning devices acquired by any motor carrier on and after December 1, 1943, shall be marked plainly with the certification of the manufacturer that it fulfills the requirements of these specifications.

Each reflector device when used shall be so placed on the highway as to reflect to oncoming vehicles the maximum amount of reflected light.

And it is further ordered, That this order shall become effective December 1, 1943, and shall continue in effect until December 31, 1944, unless sooner modified or revoked by further order of the Commission; and

It is further ordered, That notice of this order be given to motor carriers and the general public by depositing a copy of it in the office of the Secretary of the Commission, at Washington, D. C., and by filing with the Director, Division of the Federal Register.

(Sec. 233, 41 Stat. 1445; sec. 204 (a), 49 Stat. 546, 52 Stat. 1237, 54 Stat. 921; 18 U.S.C. 383, 49 U.S.C. 304)

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 43-16767; Filed, October 14, 1943; 11:47 a. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Coal Mines Administration.

[Order T-85]

ORDER TERMINATING GOVERNMENT POSSESSION AND CONTROL OF REMAINING MINES

OCTOBER 12, 1943.

On the basis of available information and evidence, and after consideration of all the circumstances, and in accordance with the provisions of the War Labor Disputes Act of June 25, 1943 (Pub. No. 89, 78th Cong., 1st Sess.), I find that the possession and control by the Government of any and all of the coal mines now in the possession of the Government should be terminated.

Accordingly, I order and direct that possession and control by the Government of any and all mines now in the possession of the Government, including any and all real and personal property, franchises, rights, facilities, funds, and other assets used in connection with the operation of such mines and the distribution and sale of their products, be, and they are hereby, terminated and that there be conspicously displayed at the mining properties of each of such mines copies of a poster to be supplied by the Coal Mines Administration and reading as follows:

NOTICE: Government possession and control of the coal mines of this mining company have been terminated by order of the Secretary of the Interior.

Provided, however, That nothing contained herein shall be deemed to preclude the Administrator from requiring the submission of information relating to operations during the period of Government possession and control as provided in section 40 of the Regulations for the Operation of Coal Mines under Government Control, as amended (8 F.R. 6655, 10712, 11344), for the purpose of ascertaining the existence and amount of any claims against the United States so that the administration of the provisions of Executive Order No. 9340 (8 F.R. 5695) may be concluded in an orderly manner; *And provided further,* That except as otherwise ordered, the appointments of the Operating Managers for the mines affected by this order shall continue in effect.

HAROLD L. ICKES,
Secretary of the Interior.

[F. R. Doc. 43-16736; Filed, October 14, 1943; 9:53 a. m.]

CIVIL SERVICE COMMISSION.

CONDITION OF APPORTIONMENT AT CLOSE OF BUSINESS WEDNESDAY, JUNE 30, 1943

The apportioned classified Civil Service includes central offices physically located in Washington, D. C., or elsewhere. Positions in local post offices, customs districts and other field services outside of the District of Columbia which are subject to the Civil Service act are filled almost wholly by persons who are local residents of the general community in which the vacancies exist. It should be noted and understood that so long as a person occupies, by original appointment a position in the apportioned service, the charge for his appointment continues to run against his state of original residence. Certifications of eligibles are first made from states which are in arrears. The apportionment is observed in certifications except to low salaried positions; but as persons who receive appointments in the Departmental Service under the War Service Regulations do not thereby acquire a permanent classified civil service status, their appointments are not charged to the apportionment.

State	Number of positions to which entitled	Number of positions occupied
IN ARREARS		
1. Virgin Islands	21	0
2. Puerto Rico	1,555	53
3. Hawaii	352	27
4. Alaska	60	15
5. California	5,745	1,703
6. Michigan	4,371	1,681
7. Louisiana	1,966	758
8. Arizona	415	197
9. Texas	5,335	2,790
10. Kentucky	2,367	1,348
11. Alabama	2,356	1,348
12. Georgia	2,598	1,502
13. Ohio	5,745	3,472
14. Mississippi	1,816	1,103
15. South Carolina	1,580	991
16. Oregon	906	592
17. Arkansas	1,621	1,093
18. Indiana	2,851	1,996
19. New Jersey	3,460	2,469
20. Washington	1,444	1,037
21. Illinois	6,568	4,959
22. Nevada	92	70
23. New Mexico	442	343
24. Wisconsin	2,609	2,048
25. North Carolina	2,970	2,337
26. Tennessee	2,425	1,935
27. Connecticut	1,422	1,184
28. Idaho	436	363
29. Florida	1,578	1,352
30. Rhode Island	593	538
31. Delaware	222	202
32. Missouri	3,148	3,014
33. Utah	458	446
IN EXCESS		
34. Massachusetts	3,590	3,636
35. Vermont	299	308
36. Pennsylvania	8,234	8,587
37. Maine	705	748
38. New Hampshire	409	438
39. Oklahoma	1,943	2,199
40. West Virginia	1,582	1,799
41. Iowa	2,111	2,464
42. Colorado	934	1,149
43. Montana	465	584
44. Minnesota	2,322	2,974
45. New York	11,210	14,574
46. Wyoming	208	271
47. Kansas	1,498	2,116
48. North Dakota	534	760
49. South Dakota	535	963
50. Nebraska	1,094	2,006
51. Virginia	2,227	4,464
52. Maryland	1,515	4,841
53. District of Columbia	551	13,646

Gains	4,405
Losses	4,320
Total appointments	111,493

NOTE: Number of employees occupying apportioned positions who are excluded from the apportionment figures under Sec. 3, Rule VII, and the Attorney General's Opinion of August 25, 1934, 22,695.

By direction of the Commission.

[SEAL] L. A. MOYER,
Executive Director and Chief Examiner.

[F. R. Doc. 43-16719; Filed, October 13, 1943; 1:19 p. m.]

CONDITION OF APPORTIONMENT AT CLOSE OF BUSINESS THURSDAY, SEPTEMBER 30, 1943

The apportioned classified Civil Service includes central offices physically located in Washington, D. C., or elsewhere. Positions in local post offices, customs districts and other field services outside of the District of Columbia which are subject to the Civil Service act are filled almost wholly by persons who are local residents of the general community in which the vacancies exist. It should be noted and understood that so long as a person occupies, by original appointment a position in the apportioned service, the charge for his appointment continues to run against his state of original residence. Certifications of eligibles are first made from states which are in arrears. The apportionment is observed in certifications except to low salaried positions; but as persons who receive appointments in the Departmental Service under the War Service Regulations do not thereby acquire a permanent classified civil service status, their appointments are not charged to the apportionment.

State	Number of positions to which entitled	Number of positions occupied
IN ARREARS		
1. Virgin Islands	20	0
2. Puerto Rico	1,518	54
3. Hawaii	344	27
4. Alaska	59	16
5. California	5,608	1,637
6. Michigan	4,267	1,637
7. Louisiana	1,919	750
8. Arizona	405	196
9. Texas	5,208	2,703
10. Alabama	2,300	1,313
11. Kentucky	2,310	1,336
12. Georgia	2,536	1,467
13. Ohio	5,608	3,397
14. Mississippi	1,773	1,075
15. South Carolina	1,542	970
16. Oregon	885	576
17. Arkansas	1,583	1,075
18. Indiana	2,783	1,950
19. New Jersey	3,377	2,423
20. Washington	1,410	1,014
21. Nevada	89	65
22. Illinois	6,411	4,863
23. New Mexico	432	333
24. Wisconsin	2,547	1,988
25. North Carolina	2,900	2,303
26. Tennessee	2,367	1,920
27. Connecticut	1,388	1,154
28. Idaho	426	357
29. Florida	1,540	1,313
30. Rhode Island	579	525
31. Delaware	216	204
32. Missouri	3,073	2,926
IN EXCESS		
33. Utah	447	449
34. Massachusetts	3,505	3,522
35. Pennsylvania	8,038	8,343
36. Vermont	292	304
37. Maine	688	721
38. New Hampshire	399	422
39. Oklahoma	1,897	2,106
40. West Virginia	1,544	1,759
41. Iowa	2,061	2,365
42. Montana	454	546
43. Colorado	912	1,100
44. Minnesota	2,267	2,845
45. Wyoming	203	252
46. New York	10,943	14,172
47. North Dakota	521	712
48. Kansas	1,462	2,037
49. South Dakota	522	917
50. Nebraska	1,068	1,923
51. Virginia	2,174	4,457
52. Maryland	1,479	4,778
53. District of Columbia	538	13,530

Gains	1,701
Losses	4,357
Total appointments	108,837

NOTE: Number of employees occupying apportioned positions who are excluded from the apportionment figures under sec. 3, Rule VII, and the Attorney General's Opinion of August 25, 1934, 22,283.

By direction of the Commission.

[SEAL] L. A. MOYER,
Executive Director and Chief Examiner.

[F. R. Doc. 43-16720; Filed, October 13, 1943; 1:19 p. m.]

OFFICE OF ALIEN PROPERTY CUSTODIAN.

[Vesting Order 2267]

UNITED STATES LETTERS PATENT OF RHEINMETALL-BORSIG A. G.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding;

1. That Rheinmetall-Borsig A. G. is a corporation organized under the laws of and having its principal place of business in Germany and is a national of a foreign country (Germany);

2. That the property identified in subparagraph 3 hereof is property of Rheinmetall-Borsig A. G.;

3. That the property described as follows:

All right, title and interest, including all accrued royalties and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof, in and to the patents identified in Exhibit A attached hereto and made a part hereof,

is property of a national of a foreign country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

Hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on September 22, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

EXHIBIT A

United States Letters Patent which are identified as follows:

Patent Number, Date, Inventor, and Title

1,994,392, 3-12-35, F. Herlach and T. Rakula, Box magazines for automatic loading weapons.

1,995,981, 3-26-35, H. Herlach and F. Herlach, Means for detachably connecting braced supporting legs to gun mountings.

1,995,982, 3-26-35, H. Herlach, Gun mounting adapted to be divided into separate loads.

2,014,177, 9-10-35, F. Herlach and T. Rakula, Box magazines for automatic loading firearms.

2,015,908, 10-1-35, T. Rakula and F. Herlach, Automatic firearms.

2,016,717, 10-8-35, H. Herlach, Wheeled gun carriage.

2,021,551, 11-19-35, F. Herlach and H. Herlach, Dismountable gun mountings.

2,056,577, 10-6-36, Karl Kehne, Cocking device for automatic firearms having a sliding barrel and a bolted breech.

2,067,322, 1-12-37, F. Herlach and T. Rakula, Automatic guns.

[F. R. Doc. 43-16742; Filed, October 14, 1943; 11:03 a. m.]

[Divesting Order 24]

PATENT OF BRONISLAW GOLDMAN

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned:

1. Having, on October 2, 1942, vested, by Vesting Order No. 201, as property in which a national or nationals of a foreign country or countries had interests, the property identified as follows:

All right, title and interest, including all accrued royalties and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof, in and to the following patent:

Patent Number, Date, Inventor, and Title

1,651,816, 12-6-27, B. Goldman, Baffle to be set automatically.

2. Having determined, before issuing said Vesting Order No. 201, that the said property was property of Bronislaw Goldman and that Bronislaw Goldman was a resident of Germany and was a national of a foreign country (Germany);

3. Having thereafter received an executed claim by or on behalf of Bronislaw Goldman, residing at Pittsburgh, Pennsylvania, hereinafter called claimant, in which it was recited that the above entitled property was on the date of vesting owned by the said claimant;

4. Finding, as a result of further investigation, conducted subsequent to the date of vesting, that said property and all right, title and interest therein were at the time of vesting owned by claimant, and that the said claimant was at that time, and at all times since then has been and now is an individual residing in the United States;

5. Determining upon the basis of the facts at present known to the Alien Property Custodian that claimant is not a national of a designated enemy country;

6. Determining that the aforesaid vesting was effected by the undersigned under mistake of fact;

7. Having received no other claim or notice of claim on Form APC-1 or otherwise to the said property or to any interest therein, or arising as a result of said vesting order, and having no knowledge of any interest in such property held by any national of any foreign country;

8. Having neither assigned, transferred, or conveyed to anyone the said property or any part thereof or any interest therein, nor issued any license with respect thereto, nor in any manner created any right or interest in any person whomsoever;

9. Determining that the error committed in vesting said property should be corrected by assigning and conveying said property to said claimant, and that such disposition of the said claim, being for the purpose of correcting a mistake in vesting such property originally, does not require the filing of any further claim, nor any further hearing;

Having made all determinations and taken all action required by law; and

Determining that under the aforesaid circumstances the disposition hereinafter effected is in the interest of and for the benefit of the United States, hereby orders that the aforesaid property be assigned to claimant.

Now, therefore, the undersigned, without warranty, assigns, transfers, and conveys to claimant the property identified in subparagraph 1 hereof.

Executed at Washington, D. C., on September 20, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-16743; Filed, October 14, 1943; 11:03 a. m.]

[Divesting Order 35]

PATENT OF BERNHARD ERBER

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned,

1. Having, on October 2, 1942, vested, by Vesting Order No. 201, as property in which a national or nationals of a foreign country or countries had interests, the property identified as follows:

All right, title and interest, including all accrued royalties and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof, in and to the following patent:

Patent Number, Date, Inventor, and Title

2,030,695, 2-11-36, B. Erber, Electric Lamp.

2. Having determined, before issuing said Vesting Order No. 201, that the said property was property of Bernhard Erber and that Bernhard Erber was a resident of Austria and was a national of a foreign country (Austria);

3. Having thereafter received an executed claim by or on behalf of Bernhard Erber, residing at London, England, hereinafter called claimant, in which it was recited that the above entitled property was on the date of vesting owned by the said claimant;

4. Finding, as a result of further investigation, conducted subsequent to the date of vesting, that said property and all right, title and interest therein were at the time of vesting owned by claimant, and that the said claimant was at that time, and at all times since then has been and now is a resident of England;

5. Determining upon the basis of the facts at present known to the Alien Property Custodian that claimant is not a national of a designated enemy country;

6. Determining that the aforesaid vesting was effected by the undersigned under mistake of fact;

7. Having received no other claim or notice of claim on Form APC–1 or otherwise to the said property or to any interest therein, or arising as a result of said vesting order, and having no knowledge of any interest in such property held by any national of any foreign country, other than claimant;

8. Having neither assigned, transferred, or conveyed to anyone the said property or any part thereof or any interest therein, nor issued any license with respect thereto, nor in any manner created any right or interest in any person whomsoever;

9. Determining that the error committed in vesting said property should be corrected by assigning and conveying said property to said claimant, and that such disposition of the said claim, being for the purpose of correcting a mistake in vesting such property originally, does not require the filing of any further claim, nor any further hearing;

Having made all determinations and taken all action required by law; and

Determining that under the aforesaid circumstances the disposition hereinafter effected is in the interest of and for the benefit of the United States, hereby orders that the aforesaid property be assigned to claimant.

Now, therefore, the undersigned, without warranty, assigns, transfers, and conveys to claimant the property identified in subparagraph 1 hereof.

Executed at Washington, D. C., on September 22, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–16746; Filed, October 14, 1943; 11:03 a. m.]

[Divesting Order 36]

PATENT OF HAROLD G. HENRY

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned:

1. Having, on May 29, 1942, vested, by Vesting Order No. 13, as property of a national or nationals of a foreign country or countries designated in Executive Order No. 8389, as amended, as defined therein, the property identified as follows:

All right, title and interest, including all accrued royalties and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof, in and to the following patent:

Patent Number, Date, Inventor, and Title

2,239,676, 4-29-41, H. Henry, Signaling Device.

2. Having determined, before issuing said Vesting Order No. 13, that the said property was property of Berlin-Suhler Waffen-und Fahrzeugwerke and that Berlin-Suhler Waffen-und Fahrzeugwerke was a corporation organized under the laws of Germany and was a national of a foreign country (Germany);

3. Having intended by said Vesting Order No. 13 to vest patent number 2,239,675, which stood of record in the United States Patent Office in the name of Berlin-Suhler Waffen-und Fahrzeugwerke;

4. Having thereafter received an executed claim by or on behalf of Harold G. Henry, an individual residing at King City, California, hereinafter called claimant, in which it was recited that the above entitled property was on the date of vesting owned by the said claimant;

5. Finding, as a result of further investigation, conducted subsequent to the date of vesting, that said property and all right, title and interest therein were at the time of vesting owned by claimant, and that the said claimant was at that time, and at all times since then has been and now is an individual residing in the United States;

6. Determining upon the basis of the facts at present known to the Alien Property Custodian that claimant is not a national of a designated enemy country;

7. Determining that the aforesaid vesting was effected by the undersigned under mistake of fact;

8. Having received no other claim or notice of claim on Form APC–1 or otherwise to the said property or to any interest therein, or arising as a result of said vesting order, and having no knowledge of any interest in such property held by any national of any foreign country;

9. Having neither assigned, transferred, or conveyed to anyone the said property or any part thereof or any interest therein, nor issued any license with respect thereto, nor in any manner created any right or interest in any person whomsoever;

10. Determining that the error committed in vesting said property should be corrected by assigning and conveying said property to said claimant, and that such disposition of the said claim, being for the purpose of correcting a mistake in vesting such property originally, does not require the filing of any further claim, nor any further hearing;

Having made all determinations and taken all action required by law; and

Determining that under the aforesaid circumstances the disposition hereinafter effected is in the interest of and for the benefit of the United States, hereby orders that the aforesaid property be assigned to claimant.

Now, therefore, the undersigned, without warranty, assigns, transfers, and conveys to claimant the property identified in subparagraph 1 hereof.

Executed at Washington, D. C., on September 22, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–16745; Filed, October 14, 1943; 11:03 a. m.]

[Divesting Order 37]

LABORATORY FOR RAW MATERIALS OF THE NORWEGIAN GOVERNMENT

Re: Patent application of Laboratory for Raw Materials of the Norwegian Government.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned:

1. Having, on November 2, 1942, vested, by Vesting Order No. 294, as property in which a national or nationals of a foreign country (Norway) had interests, the property identified as follows:

Patent application identified as follows:

Serial Number, Filing Date, Inventor, and Title

342,112, 6–24–40, K. Stenvik, Highly refractory building material and method of making same;

2. Having determined, before issuing said Vesting Order No. 294, that the said property was property of K. Stenvik and that K. Stenvik was a resident of Norway and was a national of a foreign country (Norway);

3. Having thereafter received an executed claim by or on behalf of Laboratory for Raw Materials of the Norwegian Government, an agency of the Kingdom of Norway, whose address is % Norwegian Embassy, Washington, D. C., hereinafter called claimant, in which it was recited that the above entitled property was on the date of vesting owned by the said claimant;

4. Finding, as a result of further investigation, conducted subsequent to the date of vesting, that said property and all right, title and interest therein were at the time of vesting owned by claimant, and that the said claimant was at that time, and at all times since then has been and now is an agency of the Kingdom of Norway;

5. Determining upon the basis of the facts at present known to the Alien Property Custodian that claimant is not a national of a designated enemy country;

6. Determining that the aforesaid vesting was effected by the undersigned under mistake of fact;

7. Having received no other claim or notice of claim on Form APC–1 or otherwise to the said property or to any interest therein, or arising as a result of said vesting order, and having no knowledge of any interest in such property held by any national of any foreign country, other than claimant;

8. Having neither assigned, transferred, or conveyed to anyone the said property or any part hereof or any interest therein, nor issued any license with respect thereto, nor in any manner created any right or interest in any person whomsoever;

9. Determining that the error committed in vesting said property should be corrected by assigning and conveying said property to said claimant, and that such disposition of the said claim, being for the purpose of correcting a mistake in vesting such property originally, does not require the filing of any further claim, nor any further hearing.

Having made all determinations and taken all action required by law; and

Determining that under the aforesaid circumstances the disposition hereinafter effected is in the interest of and for the benefit of the United States, hereby orders that the aforesaid property be asigned to claimant.

Now, therefore, the undersigned, without waranty, assigns, transfers, and conveys to claimant the property identified in subparagraph 1 hereof.

Executed at Washington, D. C., on September 22, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–16744; Filed, October 14, 1943; 11:03 a. m.]

[Divesting Order 38]

PATENT OF MONTFORT INVESTMENT CO.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned:

1. Having, on October 2, 1942, vested, by Vesting Order No. 201, as property in which a national or nationals of a foreign country or countries had interests, the property identified as follows:

All right, title and interest, including all accrued royalties and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof, in and to the following patent:

Patent Number, Date, Inventor, and Title

2,184,712, 12-26-39, E. Fleissig, Container.

2. Having determined, before issuing said Vesting Order No. 201, that the said property was property of Ernst W. Fleissig and that Ernst W. Fleissig was a resident of Germany and was a national of a foreign country (Germany);

3. Having thereafter received an executed claim by or on behalf of Montfort Investment Co., a corporation organized under the laws of Liechtenstein, having its principal place of business at Vaduz, Liechtenstein, hereinafter called claimant, in which it was recited that the above entitled property was on the date of vesting owned by the said claimant and finding that an instrument of assignment from Ernst W. Fleissig to claimant was dated December 7, 1939, and was recorded in the United States Patent Office on October 10, 1940, at Liber L 185, Page 179;

4. Finding, as a result of further investigation, conducted subsequent to the date of vesting, that said property and all right, title and interest therein were at the time of vesting owned by claimant, and that the said claimant was at that time, and at all times since then has been and now is a corporation organized under the laws of and having its principal place of business in a neutral country, Liechtenstein;

5. Determining upon the basis of the facts at present known to the Alien Property Custodian that claimant is not a national of a designated enemy country;

6. Determining that the aforesaid vesting was effected by the undersigned under mistake of fact;

7. Having received no other claim or notice of claim on Form APC–1 or otherwise to the said patent or to any interest therein, or arising as a result of said vesting order, and having no knowledge of any interest in such property held by any national of any foreign country, other than claimant;

8. Having neither assigned, transferred, or conveyed to anyone the said property or any part thereof or any interest therein, nor issued any license with respect thereto, nor in any manner created any right or interest in any person whomsoever;

9. Determining that the error committed in vesting said property should be corrected by assigning and conveying said property to said claimant, and that such disposition of the said claim, being for the purpose of correcting a mistake in vesting such property originally, does not require the filing of any further claim, nor any further hearing;

Having made all determinations and taken all action required by law; and

Determining that under the aforesaid circumstances the disposition hereinafter effected is in the interest of and for the benefit of the United States, hereby orders that the aforesaid property be assigned to claimant.

Now, therefore, the undersigned, without warranty, assigns, transfers, and conveys to claimant the property identified in subparagraph 1 hereof.

Executed at Washington, D. C., on September 22, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–16737; Filed, October 14, 1943; 11:04 a. m.]

[Divesting Order 39]

PATENT OF THE NATIONAL CASH REGISTER CO.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned:

1. Having, on August 28, 1942, vested, by Vesting Order No. 129, as property in which a national or nationals of a foreign country or countries had interests, the property identified as follows:

All right, title and interest, including all accrued royalties and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof, in and to the following patent:

Patent Number, Date, Inventor and Title

1,796,555, 3-7-31, A. Bessler, Dynamic braking device for idly running motors.

2. Having determined, before issuing said Vesting Order No. 129, that the said property was property of Fried. Krupp Aktiengesellschaft and that Fried. Krupp Aktiengesellschaft was a corporation organized under the laws of Germany and was a national of a foreign country (Germany);

3. Having thereafter received an executed claim by or on behalf of The National Cash Register Company, a corporation of Maryland, having its principal place of business at Dayton, Ohio, hereinafter called claimant, in which it was recited that the above entitled property was on the date of vesting owned by the said claimant and finding that an instrument of assignment from Fried. Krupp Aktiengesellschaft to claimant was dated October 1, 1934, and was recorded in the United States Patent Office on October 18, 1934, at Liber D161, Page 105;

4. Finding, as a result of further investigation, conducted subsequent to the date of vesting, that said property and all right, title and interest therein were at the time of vesting owned by claimant, and that the said claimant was at that time, and at all times since then has been and now is a corporation organized under the laws of one of the United States and having its principal place of business in the United States;

5. Determining upon the basis of the facts at present known to the Alien Property Custodian that claimant is not a national of a designated enemy country;

6. Determining that the aforesaid vesting was effected by the undersigned under mistake of fact;

7. Having received no other claim or notice of claim on Form APC–1 or otherwise to the said property or to any interest therein, or arising as a result of said vesting order, and having no knowledge of any interest in such property held by any national of any foreign country;

8. Having neither assigned, transferred, or conveyed to anyone the said property or any part thereof or any interest therein, nor issued any license with respect thereto, nor in any manner created any right or interest in any person whomsoever;

9. Determining that the error committed in vesting said property should be corrected by assigning and conveying said property to said claimant, and that such disposition of the said claim, being for the purpose of correcting a mistake in vesting such property originally, does not require the filing of any further claim, nor any further hearing;

Having made all determinations and taken all action required by law; and

Determining that under the aforesaid circumstances the disposition hereinafter effected is in the interest of and for the benefit of the United States, hereby orders that the aforesaid property be assigned to claimant.

Now, therefore, the undersigned, without warranty, assigns, transfers, and conveys to claimant the property identified in subparagraph 1 hereof.

Executed at Washington, D. C., on September 22, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–16738; Filed, October 14, 1943; 11:04 a. m.]

[Divesting Order 40]

PATENT OF THE NATIONAL CASH REGISTER CO.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned:

1. Having, on October 2, 1942, vested, by Vesting Order No. 201, as property in which a national or nationals of a foreign country or countries had interests, the property identified as follows:

All right, title and interest, including all accrued royalties and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof, in and to the following patents of Armand Godefroid:

Patent Number, Date, and Title

1,780,819, 11-4-30, Coin assorter.
1,836,916, 12-15-31, Cash till.
1,842,019, 1-19-32, Coin assorting apparatus.
1,889,472, 11-29-32, Cash till with a coin assorter.

2. Having determined, before issuing said Vesting Order No. 201, that the said property was property of Armand Godefroid and that Armand Godefroid was a resident of Germany and was a national of a foreign country (Germany);

3. Having thereafter received an executed claim by or on behalf of The National Cash Register Company, a corporation of Maryland, having its principal place of business at Dayton, Ohio, hereinafter called claimant, in which it was recited that the above entitled property was on the date of vesting owned by the said claimant and finding that an instrument of assignment from Armand Godefroid to claimant was dated August 8, 1936, and was recorded in the United States Patent Office on August 24, 1936, at Liber W167, Page 252;

4. Finding, as a result of further investigation, conducted subsequent to the date of vesting, that said property and all right, title and interest therein were at the time of vesting owned by claimant, and that the said claimant was at that time, and at all times since then has been and now is a corporation organized under the laws of one of the United States and having its principal place of business in the United States;

5. Determining upon the basis of the facts at present known to the Alien Property Custodian that claimant is not a national of a designated enemy country;

6. Determining that the aforesaid vesting was effected by the undersigned under mistake of fact;

7. Having received no other claim or notice of claim on Form APC–1 or otherwise to the said property or to any interest therein, or arising as a result of said vesting order, and having no knowledge of any interest in such property held by a national of any foreign country;

8. Having neither assigned, transferred, or conveyed to anyone the said property or any part thereof or any interest therein, nor issued any license with respect thereto, nor in any manner created any right or interest in any person whomsoever;

9. Determining that the error committed in vesting said property should be corrected by assigning and conveying said property to said claimant, and that such disposition of the said claim, being for the purpose of correcting a mistake in vesting such property originally, does not require the filing of any further claim, nor any further hearing;

Having made all determinations and taken all action required by law; and

Determining that under the aforesaid circumstances the disposition hereinafter effected is in the interest of and for the benefit of the United States, hereby orders that the aforesaid property be assigned to claimant.

Now, therefore, the undersigned, without warranty, assigns, transfers, and conveys to claimant the property identified in subparagraph 1 hereof.

Executed at Washington, D. C., on September 22, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-16739; Filed, October 14, 1943; 11:04 a. m.]

[Divesting Order 41]

PATENT OF THE NATIONAL CASH REGISTER CO.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned:

1. Having, on October 2, 1942, vested, by Vesting Order No. 201, as property in which a national or nationals of a foreign country or countries had interests, the property identified as follows:

All right, title and interest, including all accrued royalties and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof, in and to the following patent:

Patent Number, Date, Inventor and Title

1,951,682, 3-20-34, A. Varren, Zero printing device for cash registers and calculating machines.

2. Having determined, before issuing said Vesting Order No. 201, that the said property was property of Alexander Varren and that Alexander Varren was a resident of Germany and was a national of a foreign country (Germany);

3. Having thereafter received an executed claim by or on behalf of the National Cash Register Company, a corporation of Maryland, having its principal place of business at Dayton, Ohio, hereinafter called claimant, in which it was recited that the above entitled property was on the date of vesting owned by the said claimant and finding that an instrument of assignment from Alexander Varren to claimant was dated February 3, 1936, and was recorded in the United States Patent Office on December 28, 1939, at Liber Z181, Page 265;

4. Finding, as a result of further investigation, conducted subsequent to the date of vesting, that said property and all right, title and interest therein were at the time of vesting owned by claimant, and that the said claimant was at that time, and at all times since then has been and now is a corporation organized under the laws of one of the United States and having its principal place of business in the United States;

5. Determining upon the basis of the facts at present known to the Alien Property Custodian that claimant is not a national of a designated enemy country;

6. Determining that the aforesaid vesting was effected by the undersigned under mistake of fact;

7. Having received no other claim or notice of claim on Form APC-1 or otherwise to the said property or to any interest therein, or arising as a result of said vesting order, and having no knowledge of any interest in such property held by any national of any foreign country;

8. Having neither assigned, transferred, or conveyed to anyone the said property or any part thereof or any interest therein, nor issued any license with respect thereto, nor in any manner created any right or interest in any person whomsoever;

9. Determining that the error committed in vesting said property should be corrected by assigning and conveying said property to said claimant, and that such disposition of the said claim, being for the purpose of correcting a mistake in vesting such property originally, does not require the filing of any further claim, nor any further hearing;

Having made all determinations and taken all action required by law; and

Determining that under the aforesaid circumstances the disposition hereinafter effected is in the interest of and for the benefit of the United States, hereby orders that the aforesaid property be assigned to claimant.

Now, therefore, the undersigned, without warranty, assigns, transfers, and conveys to claimant the property identified in subparagraph 1 hereof.

Executed at Washington, D. C., on September 22, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-16740; Filed, October 14, 1943; 11:04 a. m.]

[Divesting Order 42]

PATENTS OF DAVID SCIAKY

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned:

1. Having, on January 18, 1943, vested, by Vesting Order No. 666, as property of David Sciaky, the property identified as follows:

All right, title and interest, including all accrued royalties and all damages and profits recoverable at law or in equity from any person, firm, corporation or government for past infringement thereof, in and to the following patents of David Sciaky:

Patent Number, Date, Inventor and Title

2,136,059, 11-8-38, David Sciaky, Machine for the electric welding of tubes.

2,167,554, 7-25-39, David Sciaky, Process for the electric welding of tube.

2. Having found, in said Vesting Order No. 666, that David Sciaky was a resident of France and was a national of a foreign country (France);

3. Having thereafter received an executed claim by or on behalf of David Sciaky, residing at Chicago, Illinois, hereinafter called claimant, in which it was recited that the above entitled property was on the date of vesting owned by the said claimant;

4. Finding, as a result of further investigation, conducted subsequent to the date of vesting, that said property and all right, title and interest therein were at the time of vesting owned by claimant, and that the said claimant was at that time, and at all times since then has been and now is an individual residing in the United States;

5. Determining upon the basis of the facts at present known to the Alien Property Custodian that claimant is not a national of a designated enemy country;

6. Determining that the aforesaid vesting was effected by the undersigned under mistake of fact;

7. Having received no other claim or notice of claim on Form APC-1 or otherwise to the said property or to any interest therein, or arising as a result of said vesting order, and having no knowledge of any interest in such property held by any national of any foreign country;

8. Having neither assigned, transferred, or conveyed to anyone the said property or any part thereof or any interest therein, nor issued any license with respect thereto, nor in any manner created any right or interest in any person whomsoever;

9. Determining that the error committed in vesting said property should be corrected by assigning and conveying said property to said claimant, and that such disposition of the said claim, being for the purpose of correcting a mistake in vesting such property originally, does not require the filing of any further claim nor any further hearing;

Having made all determinations and taken all action required by law; and

Determining that under the aforesaid circumstances the disposition hereinafter effected is in the interest of and for the benefit of the United States, hereby orders that the aforesaid property be assigned to claimant.

Now, therefore, the undersigned, without warranty, assigns, transfers, and conveys to claimant the property identified in subparagraph 1 hereof.

Executed at Washington, D. C., on September 22, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-16741; Filed, October 14, 1943; 11:05 a. m.]

[Vesting Order 1117, Amdt.]

ESTATE OF JOHN JAKUBAUSKIS

In re: Estate of John Jakubauskis, deceased; File D-43-11; E. T. sec. 156.

Vesting Order Number 1117 dated March 23, 1943, (8 F.R. 10036) is hereby amended as follows:

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by John Betz, Port Washington, Wisconsin, Administrator, acting under the judicial supervision of the County Court of the State of Wisconsin, in and for the County of Ozaukee;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely,

National and Last Known Address

Theodore Jakubauskis, Germany.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country; Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

The sum of $6,068.83 which is in the process of administration by and in the possession and custody of John Betz, administrator of the estate of John Jakubauskis, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to

indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: October 9, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–16747; Filed, October 14, 1943; 11:03 a. m.]

[Vesting Order 1770, Amdt.]

ESTATE OF STEPHEN BENCS

In re: Estate of Stephen Bencs (also known as Steve Bench), deceased; File D–34–557; E. T. sec. 6315.

Vesting Order Number 1770 dated July 9, 1943 (8 F.R. 3871) is hereby amended as follows and not otherwise:

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Taft Faust, Clerk of Court, Livingston, Louisiana, as depositary, acting under the judicial supervision of the Twenty-first Judicial District Court of Livingston Parish, Louisiana;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Hungary, namely,

Nationals and Last Known Address

Alexander Fordor, Sajokapolna, Hungary.
Lidia Fordor Nagy, Sakojapolna, Hungary.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Hungary; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Alexander Fordor and Lidia Fordor Nagy, and each of them, in and to the estate of Stephen Bencs (also known as Steve Bench), deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: October 9, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43–16748; Filed, October 14, 1943; 11:04 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[Rev. Order 1 Under Sec. 21 of Max. Import Price Reg.[1]]

SALES BY ASSEMBLERS OF WATCHES CONTAINING IMPORTED MOVEMENTS

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and by Executive Orders Nos. 9250 and 9328, it is ordered that Order No. 1 under section 21 of the Maximum Import Price Regulation be, and the same hereby is, amended and revised to read as follows:

(a) *Effect of this revised order.* This revised order establishes maximum prices for watches containing imported movements, when sold by the assembler, regardless of whether the assembler is an importer, a wholesaler, or a retailer. The Maximum Import Price Regulation, except as section 8 is modified hereby, continues to apply to such sales. Sellers of watches containing imported movements, who do not themselves assemble the watches, are not affected by this revised order but remain under the Maximum Import Price Regulation.

(b) *Definition of "cost."* The term "cost," as used herein with reference to imported movements, means "total landed costs," as the latter term is defined in section 9 of the Maximum Import Price Regulation, except that, as to assemblers other than importers, it means net delivered cost not in excess of the supplier's maximum price for sales to the assembler: *Provided,* That the importer may not include, as a part of such cost, any amount by which the foreign invoice price of the movement has increased after April 30, 1943.

(c) *Definition of "same watch."* The term "same watch," as used herein, is not to be construed as requiring exact identity. Watches are to be regarded as the "same" notwithstanding minor differences in style or design which result in no significant differences in cost.

(d) *Maximum prices for watches which are the same as watches assembled and sold prior to August 23, 1943.* The assembler of a watch which is the same as a watch which he assembled and sold prior to August 23, 1943, shall compute his maximum price for such watch as follows:

(1) If the same watch was assembled and sold or offered for sale between March 1 and August 1, 1942, and a maximum price for such watch was properly determined under the General Maximum Price Regulation—

(i) Ascertain the cost of the movement contained in the same watch for which the maximum price was originally so determined; if, however, the foreign seller's invoice for the movement was dated prior to August 1, 1941, and the invoice price was lower than the price the foreign seller was charging for the same movement on August 1, 1941, the cost must be adjusted so as to equal the latter price.

(ii) Subtract the cost of the movement, determined (and adjusted, where required) under (i), above, from the cost of the same movement in the watch being priced. The difference is the amount of increase in the cost of the movement.

(iii) Add the increase in the cost of the movement, determined under (ii), above, to the maximum price previously established for the watch under the General Maximum Price Regulation. The sum is the assembler's present maximum price for the watch.

(2) If the maximum price cannot be determined under (1), above, and if the same watch was sold or offered for sale prior to August 23, 1943, and to the maximum price previously determined under Maximum Price Regulation No. 188, any increase in the cost of the movement in the watch being priced over the cost of the same movement used in determining the maximum price for the same watch under Maximum Price Regulation No. 188. If no maximum price was properly established under Maximum Price Regulation No. 188, by report or application to the Office of Price Administration where required, such maximum price must be so established before the watch can be priced or sold.

(e) *Maximum prices for new watches.* The assembler of a watch which differs from all of the watches which he assembled and sold prior to August 23, 1943, shall compute his maximum price for the new watch as follows:

(1) Compute the cost of the new watch by adding the cost of the movement, the cost of the case, and the labor cost of assembling.

(2) Compute the percentage markup over the cost of that watch last assembled and sold by him prior to August 23, 1943,

[1] 8 F.R. 11681, 12237.

which has a cost (determined as in (e) (1)) nearest to that of the new watch. The selling price used in this computation must not exceed the legally established maximum price.

(3) Apply the percentage markup so computed to the cost of the new watch as computed above. The resulting figure is the maximum price.

(4) The assembler of the new watch must report his maximum price therefor to the Office of Export-Import Price Control, Office of Price Administration, Washington, D. C. The report must set forth in detail the method by which the maximum price was determined and must include a certification to the effect that the watch being priced is different from any watch which the assembler sold during the period March 1, 1942, to August 23, 1943. The assembler may not offer the watch for sale until his maximum price therefor has been approved, but the reported maximum price shall be deemed to be approved unless, within 20 days after the report is mailed, the Office of Price Administration notifies the assembler that his reported price has been disapproved or that action thereon has been deferred pending receipt of further information. Any maximum price established hereunder shall be subject to adjustment (not retroactively) at any time by the Office of Price Administration.

The maximum price for any new watch which cannot be priced in the above manner shall be the price determined by the Office of Price Administration upon application by the assembler.

(f) *Notice to customers.* Every assembler shall, upon the sale otherwise than at retail of any watch priced under this revised order, include the following statement on his invoice to his customer:

Our prices for the invoiced watches do not exceed the maximum prices permitted by Revised Order No. 1, issued under section 21 of the Maximum Import Price Regulation. You may not resell these watches at prices higher than those permitted by section 8 of the Maximum Import Price Regulation.

(g) *Reports required under Maximum Price Regulation No. 188.* Every assembler who was, prior to August 23, 1943, required by Maximum Price Regulation No. 188 to file any report or application with respect to watches theretofore sold, but failed to do so, shall do so forthwith whether or not he now sells or offers to sell the same watches.

(h) *Revocation or amendment.* This Revised Order No. 1 may be revoked or amended by the Price Administrator at any time.

This Revised Order No. 1 shall become effective October 14, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 13th day of October 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-16725; Filed, October 14, 1943; 9:19 a. m.]

[Order 1 Under MPR 327, Amdt. 1]

METALS RESERVE COMPANY

ADJUSTMENT OF PRICES FOR CERTAIN NONMETALLIC MINERALS

An opinion accompanying this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

Paragraph (a1) is added to Order No. 1 to read as follows:

(a1) Whenever unmanufactured asbestos of the kinds and grades set forth in paragraph (a), above, is sold and delivered by Metals Reserve Company f. o. b. warehouses located at the following locations, the f. o. b. shipside maximum prices established in paragraph (a), above, may be increased by the following amounts per short ton:

Baltimore, Maryland	$1.50
Coplay, Pennsylvania	7.50
High Spire, Pennsylvania	7.50
Middletown, Pennsylvania	7.50

This amendment shall become effective October 14, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 13th day of October 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-16726; Filed, October 14, 1943; 9:19 a. m.]

[Order 1 Under MPR 95]

M. G. VAN ARSDALE, INC.

ADJUSTMENT OF MAXIMUM PRICES

Order No. 1 under § 1401.3 of Maximum Price Regulation 95. Women's nylon hosiery. Granting maximum prices to M. G. Van Arsdale, Incorporated.

For the reasons set forth in an opinion issued simultaneously herewith, it is hereby ordered:

(a) M. G. Van Arsdale, Incorporated, New York, New York may sell and deliver, and any person may buy and receive women's cut and sewn cotton and nylon lace hosiery, made of a continuous 37 denier nylon yarn in the bobbin and 3½ warps of 60/2 mercerized cotton in the warp, at a price not in excess of $11.50 per dozen.

(b) For sales at wholesale (as that term is defined in the regulation) the maximum price shall be $12.50 per dozen for the cut and sewn cotton and nylon lace hosiery for which a maximum price is provided in paragraph (a).

(c) For sales at retail (as that term is defined in the regulation) the maximum price shall be $1.60 per pair for the cut and sewn cotton and nylon lace hosiery for which a maximum price is provided in paragraph (a).

(d) M. G. Van Arsdale, Incorporated, and each wholesaler selling this hosiery, shall, by letter, notify the purchaser thereof of the maximum price at which he may sell and deliver the hosiery pursuant to this order, within ten days after the effective date of this order.

(e) This Order No. 1 may be revoked or amended by the Price Administrator at any time.

This Order No. 1 shall become effective October 14, 1943.

(56 stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 13th day of October 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43-16729; Filed, October 14, 1943; 9:21 a. m.]

[Order 7 Under 19a of GMPR]

BEET SUGAR FINAL MOLASSES PRODUCED IN THE CONTINENTAL UNITED STATES

ORDER AUTHORIZING ADJUSTABLE PRICING

War Production Board General Preference Order M-54, as amended, on July 21, 1942, required processors of molasses to limit the quantity of molasses which may be reprocessed for the further extraction of sugar during any calendar quarter to 40% of the quantity reprocessed in the corresponding calendar quarter in the 12-month period ending June 30, 1941. The purpose of this limitation is to divert molasses from further refining into sugar to other necessary uses such as the manufacture of yeast and citric acid. The fulfillment of requirements for the United States has created a shortage in the supply of molasses. Following the issuance of this WPB Order a number of processors of beet sugar final molasses filed protests to section 1.6 of RSR 14 to the GMPR and requested a revision with increases in the maximum prices for molasses. Consideration of those representations which seek an amendment to the regulation is pending. Processors are reluctant to manufacture and make sales of beet sugar final molasses and purchasers have submitted statements showing urgent need of supplies with a request for the privilege of entering into contracts whereby prices may be adjusted upward after delivery to an amount not in excess of maximum prices determined in accordance with any final action which may be taken by the Administrator.

The administrator has found that authority to use such adjustable pricing, pending final action on the request for increases in the maximum prices, is necessary to promote production of beet sugar final molasses and its distribution to essential industries. It is further found that such authorization will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328. Therefore, in accordance with § 1499.19a of the GMPR, as amended, *It is ordered,* That:

(a) Processors subject to section 1.6 of RSR 14 to the GMPR may sell and deliver, and purchasers may buy and receive beet sugar final molasses from processors at prices to be adjusted upward after delivery to amounts not to exceed maximum prices established at

the time of final action by the Administrator upon pending requests for change in maximum prices which have the following docket numbers: GF1–1021–P, GF1–1024–P, GF1–1026–P, GF1–1025–P, GF1–1028–P, GF1–1027–P, GF1–1030–P, GF1–1032–P, GF1–1033–P. Prior to such final action no payment for molasses shall be made or received in excess of the maximum prices prevailing at the time of delivery.

(b) This order shall be automatically revoked upon the establishment by the Office of Price Administration of maximum prices for beet sugar final molasses higher than the maximum prices now prevailing or upon denial of the requests for change in maximum prices which have been assigned docket numbers GF1–1021–P, GF1–1024–P, GF1–1026–P, GF1–1025–P, GF1–1028–P, GF1–1027–P, GF1–1030–P, GF1–1032–P, GF1–1033–P. It may be revoked or amended by the Price Administrator at any time.

This order shall become effective October 13, 1943.

Issued this 13th day of October 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43–16728; Filed, October 14, 1943; 9:21 a. m.]

[Order 19 Under MPR 225]

COMMERCIAL OR JOB PRINTERS IN NEW YORK, N. Y., OR MINNEAPOLIS, MINN.

ORDER GRANTING ADJUSTMENT

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328, and in acordance with § 1347.469 of Maximum Price Regulation 225, it is hereby ordered:

(a) Commercial or job printers (identified further in paragraph (c) below) who do a printing business in New York, New York, or Minneapolis, Minnesota, may sell and deliver to any person and any person may buy or receive from them any printed paper commodity or service in connection therewith, the sale of which is subject to Maximum Price Regulation 225, at prices which shall not exceed the following:

(1) *Maximum prices governed by § 1347.52 of Maximum Price Regulation 225.* The price set forth in § 1347.452 with the addition of a sum equal to the increase in the cost of producing the commodity or rendering the service due to wage increases to seller's employees authorized by the National War Labor Board by an order issued subsequent to March 31, 1942.

(2) *Maximum prices governed by § 1347.453 of Maximum Price Regulation 225.* The price determined in accordance with § 1347.453, altered by a recomputation of production charges (§ 1347.453 (b)) to include the increase in the cost of producing the commodity or rendering the service due to wage increases to seller's employees authorized by the National War Labor Board by an order issued subsequent to March 31, 1942.

(b) In the foregoing computations no additional allowance shall be made for that portion of any wage increase which is retroactive to a date prior to the sale of the commodity or service.

(c) Commercial or job printers for the purpose of this order mean persons engaged in commercial or job printing as that term is commonly understood in the trade and whose business consists chiefly in the production of specific printing jobs for individual customers, such jobs including but not limited to the printing to order of the following: commercial form; letterheads and envelopes; sales announcements, enclosures, circulars and other advertising matter; legal documents or forms for state and local governments.

(d)[1] Every seller increasing his maximum prices under the provisions of this order shall file with the Regional Office of the Office of Price Administration in the region in which he does business a report of the increased price. This report shall be filed on or before the date of sale. The seller may thereupon use the increased prices: *Provided, however,* That if the Office of Price Administration shall by letter mailed to him within 30 days from the filing of the report disapprove the computation of the increase, then the prices charged prior to the receipt of such disapproval shall be adjusted in accordance therewith. In the absence of such disapproval the increased prices shall be deemed to have been approved, subject, however, to nonretroactive written disapproval at any later time by the Office of Price Administration.

For prices established under § 1347.452 a statement of the computation of the increase shall be set forth in the report. For prices established under § 1347.453 Form 325:1 shall be used, setting forth the new rates for production charges on tables 3–9 inclusive and the computation used in their determination.

(e) All prayers of the petitions not granted herein are denied.

(f) This Order No. 19 may be revoked or amended by the Price Administrator at any time.

This Order No. 19 shall become effective October 13, 1943.

Issued this 13th day of October 1943.

CHESTER BOWLES,
Acting Administrator.

[F. R. Doc. 43–16727; Filed, October 14, 1943; 9:20 a. m.]

[1] All reporting provisions of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Regional and District Office Orders.

[Boise Order G–1 Under MPR 426 and Del. Order 16]

FRESH FRUITS AND VEGETABLES IN BOISE, IDAHO DISTRICT

Order No. G–1 under section 2 (b) of Maximum Price Regulation 426 and Region VII Delegation Order No. 16. Adjustment of maximum prices for fresh fruits and vegetables for table use, except at retail.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the District Director of the Boise, Idaho District Office of the Office of Price Administration by Region VII Delegation Order No. 16 under section 2 (b) of Maximum Price Regulation 426, it is hereby ordered:

(a) *Commodities covered.* This order covers fresh fruits and vegetables set forth in Appendix A, under section (g) whether imported or domestic, except when sold for commercial purposes.

(b) *Geographical applicability.* The provisions of this order are limited in their geographical application to the Boise, Idaho District of the Office of Price Administration and more specifically, all that part of the State of Idaho south of the southern boundary of Idaho County and the Counties of Malheur and Harney in the State of Oregon.

(c) *Transactions covered.* This order applies to all sales by intermediate sellers having an established place of business within the Boise, Idaho District, including that territory set forth in section (b) above.

(d) *Applicability of Maximum Price Regulation 426.* Except insofar as the same are inconsistent with or contrary to the terms and provisions of this Order No. G–1, all the terms and provisions of Maximum Price Regulation 426 shall be applicable hereto with like force and effect as though rewritten herein. Those special provisions of Maximum Price Regulation 426 applicable to Appendix A shall likewise be applicable.

(e) *Prohibition against sales above maximum prices.* On and after the effective date of this order, regardless of any contract or other obligation, no person shall sell or deliver and no person in the course of trade or business shall buy or receive any commodity set forth in Appendix A at prices higher than the maximum prices established by this order and no person shall agree, offer, solicit or attempt to do any of the foregoing. Lower prices than the maximum price may be charged and paid.

(f) *Definitions.* The definitions set forth in Section 8 of Maximum Price Regulation 426 shall apply to the terms used herein where controlling; otherwise the definitions set forth in Section 302 of the Emergency Price Control Act of 1942, as amended, shall apply.

(g) *Appendix A—Lettuce.*

MAXIMUM PRICES FOR LETTUCE

Col. 1	Col. 2	Col. 3	Col. 4	Col. 5	Col. 6	Col. 7
Item No.	Type, Variety, Style of Pack, etc	Unit	Season	Basing point	Maximum prices for carlot or trucklot sales at any wholesale receiving point.	Maximum prices for less than carlot or less than trucklot sales to any person except ultimate consumer.
1	Iceberg lettuce in L. A. or Salinas crates containing not less than 48 heads with a minimum net weight of 60 pounds.	L. A. crate or Salinas crate.	All year	Salinas, Cal.	$3.25 (basing point price) plus freight from basing point to wholesale receiving point.	Maximum price for carlot or trucklot sales (Col. 6) plus 90 cents.
2	All lettuce in any container except iceberg lettuce in L. A. or Salinas crates, and except hothouse lettuce. If any lettuce is sold with a net weight of less than 60 pounds in any container or less than 48 heads in an L. A. or Salinas crate, such lettuce shall be priced under the provisions of this item 2.		All year		Maximum price above (Item 1, Col. 6) divided by 60.	Maximum prices for carlot or trucklot sales (Col. 6) plus 1½¢ per lb.
3	Hothouse lettuce in any container	Per pound	All year		Maximum price per pound above (Item 2, Col. 6) plus 8 cents.	Maximum prices for carlot or trucklot sales (Col. 6) plus 1½¢ per pound.

(h) *Delivery.* On deliveries made beyond the normal free delivery zone, all intermediate sellers covered by this order are authorized to add to the prices established by Appendix A under section (g) of this order, actual cartage from wholesale receiving point to buyer's place of business at lowest rates for available transportation, not in excess, however, of common carrier rates and charges excluding charges for precooling, icing and other protective charges.

(i) *Evasion.* The price limitations which are set forth in this order shall not be evaded, whether by direct or indirect methods, in connection with any offer, solicitation, agreement, sale, delivery, purchase or receipt of or relating to lettuce or in conjunction with any other commodity or by way of commission, service, transportation or any other charge or discount, premium or other privilege, or by tying-agreement or other trade understanding or otherwise.

(j) *Right to revoke or amend.* This order may be revoked, modified or amended by the Price Administrator, Regional Administrator or District Director of the Boise, Idaho, District Office at any time.

(k) *Effective date.* This order shall become effective at 12:01 a. m. on the 6th day of Oetober 1943.

(Pub. Laws 421 and 729, 77th Congress; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 6th day of October 1943.

C. C. ANDERSON,
District Director.

[F. R. Doc. 43-16718; Filed, October 13, 1943; 11:55 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File 70-759]

THE UNITED GAS IMPROVEMENT CO., ET AL.

ORDER PERMITTING DECLARATIONS TO BECOME EFFECTIVE AND GRANTING APPLICATIONS

In the matter of the United Gas Improvement Company, Delaware Power & Light Company, Eastern Shore Public Service Company (Delaware), The Eastern Shore Public Service Company of Maryland, The Maryland Light and Power Company, Eastern Shore Public Service Company of Virginia.

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 12th day of October 1943.

The United Gas Improvement Company ("U.G.I."), a registered holding company, and five of its subsidiaries, i. e. Delaware Power & Light Company ("Delaware Power"); Eastern Shore Public Service Company (Delaware) ("Eastern Shore (Del.)"); The Eastern Shore Public Service Company of Maryland ("Eastern Shore (Md.)"); The Maryland Light and Power Company ("Maryland Light"); and Eastern Shore Public Service Company of Virginia ("Eastern Shore (Va.)"), having filed joint applications and declarations and amendments thereto, under sections 6, 7, 9, 10 and 12 of the Public Utility Holding Company Act of 1935 and the rules and regulations promulgated thereunder, with respect to the following transactions:

1. Eastern Shore (Va.) will issue 7,750 shares of $100 par value common stock and $775,000 of 30-Year 4% Unsecured Notes in exchange for all of its outstanding indebtedness and stock, which are presently owned by Eastern Shore (Del.).

2. Eastern Shore (Md.) will acquire by merger all the assets and assume all the liabilities of Maryland Light and will issue $3,760,000 principal amount of 30-Year 4% Unsecured Notes to Delaware Power and 37,600 shares of $100 par common stock to Delaware Power and Eastern Shore (Del.) in exchange for cash and all the outstanding debt, preferred and common stocks of Eastern Shore (Md.) and Maryland Light (with the exception of $1,089,000 principal amount of publicly-held bonds of Maryland Light which will be called for redemption).

3. Delaware Power will acquire by merger all of the assets of Eastern Shore (Del.) and assume its liabilities, including its outstanding long-term indebtedness and an obligation arising from the call of the outstanding preferred stock of Eastern Shore (Del.).

4. Delaware Power will issue and sell (a) 1,162,600 shares of common stock of a par value of $13.50 per share to U. G. I. for $6,287,063.50 cash and in exchange for U. G. I.'s holdings of all of the outstanding common stocks of Delaware Power and Eastern Shore (Del.); and Delaware Power will also issue and sell at competitive sale 40,000 shares of preferred stock of the par value of $100 per share and $15,000,000 principal amount of First Mortgage and Collateral Trust Bonds.

The proceeds derived by Delaware Power from the sale of the bonds and preferred stock, together with a portion of the proceeds from the sale of the common stock, will be used to retire all the publicly-held debt and preferred stocks of Delaware Power and Eastern Shore (Del.). In addition, $1,110,780 of proceeds from the sale of the common stock will be used to purchase additional common stock of Eastern Shore (Md.), which will in turn use these funds to call and retire its publicly-held bonds, consisting of $1,089,000 principal amount of First Mortgage 4½% Bonds, due 1950.

A hearing with respect to the said applications and declarations, as amended, having been held after appropriate notice; and the Commission having considered the record of the proceedings and having entered its findings and opinion herein;

It is hereby ordered, That the aforesaid declarations, as amended, be and hereby are permitted to become effective and the aforesaid applications, as amended, be and hereby are granted forthwith, subject, however, to the terms and conditions prescribed in Rule U-24 and to the following additional condition:

That Delaware Power & Light Company shall report to the Commission the results of the competitive bidding, as required by Rule U-50 (c) and comply with such supplemental order as the Commission may enter in view of the facts disclosed thereby.

It is further ordered, That jurisdiction be and is hereby reserved with respect to (a) the fee to be paid to the firm of Ballard, Spahr, Andrews and Ingersoll, independent counsel to the prospective purchasers of said mortgage bonds and preferred stock to be issued by Delaware Power; and (b) the status of the holding company system of Delaware Power under section 11 (b) of the Act, including the retainability therein of that portion of the properties of Eastern Shore (Md.)

located west of the Chesapeake Bay and the ice and cold storage properties located on the Delmarva Peninsula.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 43-16750; Filed, October 14, 1943; 11:05 a. m.]

WAR FOOD ADMINISTRATION.

HANDLING OF MILK IN ST. LOUIS, MO., MARKETING AREA

NOTICE OF REPORT AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND TO A PROPOSED ORDER, AS AMENDED, REGULATING THE HANDLING OF MILK IN THE ST. LOUIS, MISSOURI, MARKETING AREA

Pursuant to § 900.12 (a) of the rules of practice and procedure (7 CFR, 1941 Supp., §§ 900.1 to 900.17; 7 F.R. 3350; 8 F.R. 2815), Food Distribution Administration, War Food Administration, notice is hereby given of the filing with the hearing clerk of this report of the Director of Food Distribution with respect to a marketing agreement and to an amended order regulating the handling of milk in the St. Louis, Missouri, marketing area. Interested parties may file exceptions to this report with the Hearing Clerk, Room 1351, Department of Agriculture, Washington, D. C., not later than the close of business on the 8th day after publication of this notice in the FEDERAL REGISTER.

The proceeding was initiated by the Food Distribution Administration as a result of a written petition filed by the Sanitary Milk Producers, Inc., for a public hearing to receive evidence on a proposal to increase the class prices of milk, and on several other amendments which such association proposed. The Square Deal Milk Producers Association and the Cooperative Milk Producers Association of Missouri also submitted for consideration several written proposals, including proposals to increase the class prices. The hearing notice also included suggested amendments of the St. Louis milk handlers and of the Dairy and Poultry Branch, Food Distribution Administration. It was concluded from consideration of the various proposals submitted that a hearing should be held, and a hearing was held at St. Louis, Missouri, on the 2d and 3d days of September 1943 after the issuance of notice on August 27, 1943.

The major issues developed at the hearing were concerned with: (1) an increase in the class prices for milk, (2) the elimination of the evaporated milk price for producers' milk when any milk is received by a handler from sources other than producers, (3) the allocation of producers' milk to Class I prior to the allocation of any milk from other sources to such class, (4) the reduction of the plant shrinkage allowance from 3 to 2 percent, (5) the revision of the butterfat differential, (6) the classification and pricing of excess milk or butterfat, (7) the redescription of the marketing area for clarification, (8) the redefinition of the term "producer" for clarification, (9) the provision of a method for classifying emergency milk under the order, (10) the method of accounting for milk in each class, (11) the introduction of market-wide pooling of producer returns, and (12) the adoption of minor changes of an administrative nature.

With respect to these issues it is concluded from the record that:

1. No class price changes should be made at this time in view of the milk subsidy program announced on September 25.

2. Handlers should not be permitted to purchase producer milk at the evaporated milk price when milk from other sources is brought to the market for Class I or for other Class II uses.

3. Producer milk should be allocated to Class I milk prior to the allocation of milk from other sources to such class.

4. The plant shrinkage allowance should be reduced from 3 to 2 percent.

5. The butterfat differential should be increased.

6. Excess milk or butterfat not accounted for on handler reports should be classified according to its utilization.

7. The description of the marketing area should be clarified.

8. The definition of "producer" should be revised for clarification.

9. The class utilization of milk should be accounted for upon both a skim milk and butterfat basis.

10. The individual-handler pool provisions should be continued.

11. Minor revisions should be made for administrative reasons.

The following proposed order, as amended, prepared by the Director is recommended as the detailed means by which these conclusions may be carried out. The proposed marketing agreement is not included in this report because the proposed amendments applicable to it would be the same as those set forth below with respect to the order, as amended.

Proposed Order, as Amended, Regulating the Handling of Milk in the St. Louis, Missouri, Marketing Area

It is found upon the evidence introduced at the public hearing held at St. Louis, Missouri, on September 3 and 4, 1943:

1. That the order, as hereby amended, regulates the handling of milk in the same manner as and is applicable only to handlers defined in a marketing agreement upon which a hearing has been held; and

2. That the issuance of this order, as amended, and all of the terms and conditions of the order, as so amended, tend to effectuate the declared policy of the act.

Provisions

§ 903.1 *Definitions.* The following terms shall have the following meanings:

(a) "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (50 Stat. 246).

(b) "War Food Administrator" means the War Food Administrator of the United States or any officer or employee of the United States who is, or who may hereafter be, authorized to exercise the powers and to perform the duties, pursuant to the act, of the War Food Administrator.

(c) "St. Louis marketing area," hereinafter called the "marketing area," means the territory within the corporate limits of the cities of St. Louis, Kirkwood, and Valley Park, Missouri; the territory within St. Ferdinand, Normandy, Clayton, Jefferson, Lemay and Gravois townships in St. Louis County, Missouri; and the territory within Scott Field Military Reservation, and East St. Louis, Centerville, Canteen, and Stites townships in St. Clair County, Illinois.

(d) "Person" means any individual, partnership, corporation, association, or any other business unit.

(e) "Producer" means any person, irrespective of whether such person is also a handler, who produces, under a dairy farm permit or rating issued by the proper health authorities for the production of Grade A or Grade B raw milk, milk which is received at a plant from which milk is disposed of as fluid milk in the marketing area.

(f) "Handler" means any person who, on his own behalf or on behalf of others, receives milk from producers, associations of producers, or other handlers, all, or a portion, of which milk is disposed of as fluid milk in the marketing area, and who, on his own behalf or on behalf of others, engages in such handling of milk as is in the current of interstate commerce or which directly burdens, obstructs, or affects interstate commerce in milk and its products. This definition shall not be deemed to include any person who is a handler under another Federal milk marketing agreement or order if such handler does not operate a plant from which bottled milk is distributed in the St. Louis, Missouri, marketing area.

(g) "Market administrator" means the person designated pursuant to § 903.2 as the agency for the administration hereof.

(h) "Delivery period" means the current marketing period from the first to the last day of each month, both inclusive.

(i) "Nonhandler" means any person who is not a handler but who distributes fluid milk on retail or wholesale routes or who engages in the manufacture of milk products.

§ 903.2 *Market administrator*—(a) *Selection, removal, and bond.* The market administrator shall be selected, and shall be subject to removal at any time, by the War Food Administrator. Within 45 days following the date upon which he enters upon his duties, the market administrator shall execute and deliver to the War Food Administrator a bond conditioned upon the faithful performance of his duties, in an amount and with surety thereon satisfactory to the War Food Administrator.

(b) *Compensation.* The market administrator shall be entitled to such reasonable compensation as may be determined by the War Food Administrator.

(c) *Powers.* The market administrator shall:

(1) Administer the terms and provisions hereof; and

(2) Receive, investigate, and report to the War Food Administrator complaints

of violations of the terms and provisions hereof.

(d) *Duties.* The market administrator shall:

(1) Keep such books and records as will clearly reflect the transactions provided for herein and submit such books and records to examination by the War Food Administrator as requested;

(2) Furnish such further information and such verified reports as the War Food Administrator may request;

(3) Obtain a bond with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(4) Employ and fix the compensation of such persons as may be necessary to enable him to administer the terms and provisions hereof;

(5) Prepare and disseminate, for the benefit of producers, consumers, and handlers, such statistics and information concerning the operation hereof as does not reveal confidential information;

(6) Publicly disclose to handlers and to producers, unless otherwise directed by the War Food Administrator, the name of any handler who, within 15 days after the date upon which he is required to perform such acts, has not (i) made reports pursuant to § 903.5 and (ii) made payments pursuant to § 903.8; and

(7) Pay, out of the funds provided by § 903.9, the cost of his bond and of the bonds of such of his employees as handle funds entrusted to the market administrator, his own compensation, and all other expenses which will necessarily be incurred for the maintenance and functioning of his office and for the performance of his duties, except those expenses incurred and provided for under § 903.10 hereof.

(e) *Announcement of prices.* The market administrator shall compute and publicly announce prices as follows:

(1) Not later than the 5th day after the end of each delivery period, the price for each class of milk pursuant to § 903.4 and the differential pursuant to § 903.8 (c).

(2) Not later than the 10th day after the end of each delivery period, the individual uniform prices computed pursuant to § 903.7 (b) with the differentials applicable pursuant to § 903.8 (d).

§ 903.3 *Classification of milk*—(a) *Basis of classification.* The market administrator shall classify all milk, skim milk, and cream received by each handler, including milk of his own production in the classes set forth in (b) of this section, subject to the conditions of (c), (d), and (e) of this section. In establishing the classification of milk received by a handler from producers, the burden rests upon such handler to account for such milk and to prove to the market administrator that such milk should not be classified as Class I milk.

(b) *Classes of utilization.* The classes of utilization of milk shall be as follows:

(1) Class I milk shall be all milk the utilization of which is not established as Class II milk.

(2) Class II milk shall be all milk the skim milk and butterfat of which is established (i) as having been used or disposed of in any form other than as milk, and (ii) as actual plant shrinkage, but not to exceed 2 percent of the total receipts of milk from producers.

(c) *Interhandler and nonhandler transfers of milk.* (1) Milk or skim milk received by a handler from another handler shall be classified as Class I milk, and cream so received shall be classified as Class II milk, *Provided,* That if a different classification is agreed upon in writing between the receiving handler and the selling handler and is submitted to the market administrator on or before the 5th day after the end of the delivery period, then the milk, skim milk, or cream shall be classified according to such written agreement: *Provided further,* That the amount allocated to any class shall not be greater than the amount used in that class by the receiving handler after the subtraction made pursuant to (e) (1) of this section.

(2) Milk or skim milk moved in fluid form from a handler's fluid milk plant to a plant from which no milk is disposed of for fluid consumption (regardless of whether the latter plant is operated by such handler or by a nonhandler) shall be Class II milk. Milk or skim milk moved in fluid form from a handler's plant to a nonhandler's plant from which fluid milk is distributed shal be Class I milk, except that any of this milk or skim milk in excess of the amount of milk, proved to the satisfaction of the market administrator to have been distributed in fluid form by the nonhandler during the delivery period, shall be Class II milk: *Provided,* That all milk or skim milk moved in fluid form to plants more than 110 air-line miles from the City Hall in St. Louis shall be Class I milk. Milk or skim milk disposed of from a handler's plant to retail establishments which disposed of milk for both fluid and other uses shall be Class I milk.

(d) *Classification of excess milk or butterfat.* In the event that a handler after subtracting receipts from other handlers and receipts from sources determined as other than producers or handlers, has disposed of milk and/or butterfat in excess of the milk and/or butterfat which, on the basis of his reports, has been credited to his producers as having been received from them, such milk and/or the milk equivalent of such butterfat shall be classified in accordance with its class utilization.

(e) *Classification of producer milk.* The market administrator shall determine the classification of milk received by each handler from producers as follows:

(1) Subtract from each class, beginning with Class II milk, the total pounds of milk, skim milk and cream received from sources other than producers or handlers: *Provided,* That if the delivery period total of Class I milk of such handler is greater than his delivery period total of milk received from producers and such handler has received milk, skim milk or cream from sources other than producers or handlers, an amount of such milk, skim milk or cream up to but not exceeding 5 percent of his producer milk shall, on election of the handler in his report, be subtracted from Class I milk prior to the subtraction made above in this subparagraph; and

(2) Subtract from the remaining milk in each class the total pounds of milk received from other handlers and allocated to such class pursuant to (c) of this section.

§ 903.4 *Minimum prices*—(a) *Class prices.* Except as set forth in (b) of this section, each handler shall pay at the time and in the manner set forth in § 903.8 not less than the following prices per hundredweight of milk:

(1) *Class I milk.* The prices for Class I milk shall be the prices computed under (3) of this paragraph, plus the following amount per hundredweight:

Delivery period:	*Amount: Dollars per cwt.*
April through June	0.80
July through November	1.10
December through March	.90

(2) *Class II milk.* The price for Class II milk shall be the price computed under (3) of this paragraph, plus the following amount per hundredweight:

Delivery period:	*Amount: Dollars per cwt.*
April through June	0.20
July through November	.40
December through March	.25

Provided, That during any delivery period from January through June, the price of milk used by such handler for evaporated milk in hermetically sealed containers, or disposed of by such handler to the plant of any other person where such milk is manufactured into evaporated milk and placed in hermetically sealed containers, shall be the average of the basic, of field, prices per hundredweight determined for the plants listed in (3) of this paragraph, if such handler did not receive during the delivery period at his fluid milk plant for use in the marketing area milk from sources other than producers or other handlers.

(3) *Basic formula price.* The basic formula price to be used in determining the price for Class I and Class II milk pursuant to (1) and (2) of this paragraph shall be the price resulting from the following computation by the market administrator: determine the arithmetic average of the basic, or field, prices per hundredweight, reported to the United States Department of Agriculture (or to such other Federal agency as may hereafter be authorized to perform this function), as paid during the delivery period for milk of 3.5 percent butterfat content to all farmers at the following plants or places:

Concern:	*Location of plant*
Carnation Co.	Ava, Mo.
Carnation Co.	Seymour, Mo.
Pet Milk Co.	Greenville, Ill.
Litchfield Creamery Co.	Litchfield, Ill.
Indiana Condensed Milk Co.	Bunker Hill, Ill.
Borden Co.	Mount Pleasant, Mich.
Carnation Co.	Sparta, Mich.
Pet Milk Co.	Hudson, Mich.
Pet Milk Co.	Wayland, Mich.
Pet Milk Co.	Coopersville, Mich.
Borden Co.	Greenville, Wis.
Borden Co.	Black Creek, Wis.
Borden Co.	Orfordville, Wis.
Carnation Co.	Chilton, Wis.
Carnation Co.	Berlin, Wis.
Carnation Co.	Richland Center, Wis.
Carnation Co.	Oconomowoc, Wis.
Carnation Co.	Jefferson, Wis.
Pet Milk Co.	New Glarus, Wis.
Pet Milk Co.	Belleville, Wis.
Borden Co.	New London, Wis.

Concern—Con.	*Location of plant*
White House Milk Co.	Manitowoc, Wis.
White House Milk Co.	West Bend, Wis.

Provided, That if the price so determined is less than the price computed by the market administrator in accordance with the following formula, such formula price shall be used: multiply by 3.5 the average price per pound of 92-score butter at wholesale in the Chicago market, as reported by the United States Department of Agriculture (or by such other agency as may hereafter be authorized to perform this price-reporting function) for the delivery period during which such milk was received, and add 20 percent thereof: *Provided*, That such price shall be subject to the following adjustments: (i) add 3½ cents per hundredweight for each full one-half cent that the price of dry skim milk for human consumption is above 3½ cents per pound or (ii) subtract 3½ cents per hundredweight for each full one-half cent that the price of such dry skim milk is below 5½ cents per pound. For purposes of determining these adjustments the price per pound of dry skim milk to be used shall be the average of the carlot prices for dry skim milk for human consumption, f. o. b. manufacturing plant, as published by such agency for the Chicago area during the delivery period, including in such average the quotations published for any fractional part of the previous delivery period which were not published and available for the price determination of such dry skim for the previous delivery period. In the event carlot prices for dry skim milk for human consumption, f. o. b. manufacturing plant, are not so published, the average of the carlot prices for dry skim milk for human consumption, delivered at Chicago, as published by such agency shall be used, and the following adjustments shall be made in lieu of the adjustments provided for under (i) and (ii) immediately above: add 3½ cents per hundredweight for each full one-half cent that the price of dry skim milk for human consumption delivered at Chicago is above 7½ cents per pound, or subtract 3½ cents per hundredweight for each full one-half cent that such price for dry skim milk is below 7½ cents per pound.

(b) *Location differentials to handlers.* With respect to milk received from producers at a handler's plant located outside the marketing area, such handler shall be allowed the amount per hundredweight of milk set forth in the schedule below for the mileage range in which falls the air-line distance of the plant where the milk was first received, from the City Hall in St. Louis:

Mileage zone:	*Amount per hundredweight of milk*
Not more than 10 miles	6
More than 10 but not more than 20 miles	12
More than 20 but not more than 30 miles	14
More than 30 but not more than 40 miles	16

Provided, That if any of such milk is moved to a plant where milk is received for manufacturing purposes only, the maximum differential under the above schedule to be allowed with respect to the quantity of milk so moved shall be 15 cents per hundredweight.

§ 903.5 *Reports of handlers*—(a) *Submission of reports.* Each handler shall report to the market administrator in the detail and on forms prescribed by the market administrator as follows:

(1) On or before the 5th day after the end of each delivery period, (i) the receipts at each plant of milk, skim milk and cream, with butterfat tests, from all sources, including own production; (ii) the utilization of all milk, skim milk and cream received, computed pursuant to § 903.3, including a separate statement of the disposition of Class I milk outside the marketing area, (iii) the name and address of each producer from whom milk is received for the first time, and the date on which such milk was first received; (iv) the name and address of each producer who discontinues deliveries of milk and the date on which the milk of such producer was last received; and (v) the amount and category of any payments to be made pursuant to § 903.8 (d) with respect to milk received during such delivery period.

(2) On or before the 10th day after the request of the market administrator, a schedule of transportation rates which are charged and paid for the transportation of milk from the farm of each producer to such handler's plant or plants. Any changes made in this schedule of transportation rates and the effective dates thereof shall be reported to the market administrator within 10 days.

(3) Within 20 days after the end of each delivery period, his producer pay roll, or a report, which shall show for such delivery period and for each and every producer (i) his total delivery of milk with the average butterfat test thereof and (ii) the net amount of the payment made to him with the price, deductions, and charges involved.

(b) *Verification of reports.* (1) Each handler shall permit the market administrator or his representative, during the usual hours of business, to (i) verify the information contained in the reports submitted by such handler pursuant to this section, and (ii) weigh, sample, and test milk for butterfat.

§ 903.6 *Application of provisions*—(a) *Handlers who are also producers.* No provisions hereof shall apply to a handler who is also a producer and who receives no milk from producers or an association of producers other than that of his own production, except that such handler shall make reports to the market administrator at such time and in such manner as the market administrator may request and shall permit the market administrator to verify such reports.

§ 903.7 *Determination of uniform prices to producers*—(a) *Computation of the value of milk for each handler.* For each delivery period the market administrator shall compute the value of milk of producers disposed of by each handler, by (i) multiplying the hundredweight of such milk in each class by the price applicable pursuant to § 903.4, and adding together the resulting values of each class; and (ii) adding to such sum the value of any milk (or milk equivalent) classified under § 903.3 (d).

(b) *Computation of uniform price for each handler.* The market administrator shall compute for each handler the uniform price per hundredweight of milk received by him from producers during each delivery period as follows:

(1) Add to the value computed pursuant to (a) of this section the amount of the adjustment to be made pursuant to § 903.8 (c); and

(2) Divide the amount computed in (a) of this section by the total quantity of milk received from producers: *Provided*, That if, in the verification of the report of purchases and sales of the handler for any previous delivery period, the market administrator finds that differences occur between the reported and actual quantities of milk received or between the reported and actual quantities of milk disposed of in each class, he shall make an adjustment in the following manner: (i) recompute for such handler his class use value of milk for the delivery period for which the report of purchases and utilization of milk is being verified, after making the adjustments for the differences in such reported and actual quantities of milk, and (ii) add to, or subtract from, the uniform price of milk computed above, an amount representing the per hundredweight value of milk accounted for by such adjustment, such addition to, or subtraction from, such price to be separately set forth in a manner which will clearly state the amount of the adjustment for each delivery period or delivery periods verified pursuant to § 903.5 (b).

§ 903.8 *Payment for milk*—(a) *Time and method of payment.* On or before the 15th day after the end of each delivery period, each handler shall make payment to each producer, for the total value of milk received from such producer during such delivery period, at not less than the uniform price per hundredweight computed for such handler pursuant to § 903.7, subject to the differentials set forth in (b) and (c) of this section.

(b) *Butterfat differential.* If any handler has received from any producer, during the delivery period, milk having an average butterfat content other than 3.5 percent, such handler, in making payments pursuant to (a) of this section, shall add to the uniform price for such producer for each one-tenth of 1 percent of average butterfat content in milk above 3.5 percent not less than, or shall deduct from the uniform price for such producer for each one-tenth of 1 percent of average butterfat content in milk below 3.5 percent not more than, the following amount: add 20 percent of the price per pound of 92-score butter at Chicago as referred to in § 903.4 (a) (3) to such butter price, and divide the resulting sum by 10.

(c) *Location differentials to producers.* In making payments pursuant to (a) of this section, each handler shall deduct with respect to milk received from producers at a plant located outside the marketing area, the amount per hundredweight of milk set forth in the sched-

ule below for the mileage range in which falls the air-line distance of the plant where the milk was first received, from the City Hall of St. Louis.

Mileage zone:	*Amount per hundredweight of milk, cents*
Not more than 10 miles	6
More than 10 but not more than 20 miles	12
More than 20 but not more than 30 miles	14
More than 30 but not more than 40 miles	16
Within each 10-mile zone thereafter—an additional 1 cent.	

(d) *Additional payments.* Any handler may make payments to producers in addition to the payments to be made pursuant to (a) of this section: *Provided*, That such additional payments shall be made on a uniform basis to all producers from whom milk meeting special quality, volume production, or evenness of production standards has been received.

(e) *Errors in payment.* Errors in making the payments prescribed in this section shall be corrected not later than the date for making payments next following the determination of such errors.

§ 903.9 *Expense of administration*—(a) *Payments by handlers.* As his prorata share of the expense of the administration hereof, each handler, on or before the 15th day after the end of each delivery period, shall pay to the market administrator, with respect to all milk received by him from producers or from an association of producers, or produced by him during such delivery period, an amount not exceeding 2 cents per hundredweight, the exact amount to be determined by the market administrator, subject to review by the War Food Administrator. Each handler, who is a cooperative association of producers, shall pay such prorata share of expense only on that milk received from producers at a plant of such association.

§ 903.10 *Marketing services*—(a) *Deductions for marketing services.* Except as set forth in (b) of this section, each handler shall deduct an amount not exceeding 4 cents per hundredweight (the exact amount to be determined by the market administrator, subject to review by the War Food Administrator) from the payment made to each producer pursuant to § 903.8 (a) with respect to all milk of such producer received by such handler during the delivery period, and shall pay such deduction to the market administrator on or before the 15th day after the end of such delivery period. Such moneys shall be used by the market administrator to verify weights, samples, and tests of milk received from such producers and to provide them with market information; such services to be performed in whole or in part by the market administrator or by an agent engaged by and responsible to him.

(b) *Producers' cooperative associations.* In the case of producers for whom a cooperative association, which the Secretary determines to be qualified under the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act," is actually performing the services set forth in (a) of this section, each handler, in lieu of the deductions specified in (a) of this section, shall make the deductions from the payments made pursuant to § 903.8 (a) which are authorized by such producers, and, on or before the 15th day after the end of each delivery period, pay over such deductions to the cooperative associations rendering such services of which such producers are members.

§ 903.11 *Unfair methods of competition.* Each handler shall refrain from acts which constitute unfair methods of competition by way of indulging in any practices with respect to the transportation of milk for, and the supplying of goods and services to, producers from whom milk is received, which tend to defeat the purpose and intent of the terms and provisions hereof.

§ 903.12 *Market advisory committee*—(a) *Representation, selection, approval, and removal.* Subsequent to the effective date hereof, representatives of producers, handlers and consumers, respectively, may certify to the War Food Administrator the selection of three individuals by each group for membership on the market advisory committee. Upon approval of the War Food Administrator, the nine individuals so selected shall constitute the market advisory committee. Each member of the market advisory committee shall serve for a term of 1 year unless sooner removed by the War Food Administrator. After the market advisory committee has been constituted, vacancies in the membership thereof shall be filled in the same manner as the original selections were made.

(b) *Powers.* The market advisory committee shall have the power to recommend to the War Food Administrator amendments hereto originating within itself or submitted to it by interested parties, after a study of the facts available to the market advisory committee.

§ 903.13 *Effective time, suspension, and termination*—(a) *Effective time.* The provisions hereof, or any amendment hereto, shall become effective at such time as the War Food Administrator may declare and shall continue in force until suspended or terminated, pursuant to (b) of this section.

(b) *Suspension and termination.* Any or all provisions hereof, or any amendment hereto, shall be suspended or terminated as to any or all handlers after such reasonable notice as the War Food Administrator may give, and shall, in any event, terminate whenever the provisions of the act authorizing it cease to be in effect.

(c) *Continuing power and duty.* If, upon the suspension or termination of any or all provisions hereof, there are any obligations arising hereunder the final accrual or ascertainment of which requires further acts by any handlers, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided*, That any such acts required to be performed by the market administrator shall, if the War Food Administrator so directs, be performed by such other person, persons, or agency as the War Food Administrator may designate.

The market administrator, or such other person as the War Food Administrator may designate (1) shall continue in such capacity until discharged, (2) from time to time account for all receipts and disbursements and deliver all funds or property on hand, together with the books and records of the market administrator, or such person, to such person as the War Food Administrator shall direct, and (3) if so directed by the War Food Administrator execute such assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such person, pursuant hereto.

(d) *Liquidation, after suspension or termination.* Upon the suspension or termination of any or all provisions hereof, the market administrator, or such person as the War Food Administrator may designate, shall, if so directed by the War Food Administrator, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid and owing at the time of such suspension or termination. Any funds collected pursuant to the provisions hereof, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

§ 903.14 *Emergency price provision.* Whenever the provisions hereof require the market administrator to use a specific price (or prices) for milk or any milk product for the purpose of determining class prices or for any other purpose, the market administrator shall add to the specified price the amount of any subsidy, or other similar payment, being made by any Federal agency in connection with the milk, or product, associated with the price specified: *Provided*, That if for any reason the price specified is not reported or published as indicated, the market administrator shall use the applicable maximum uniform price established by regulations of any Federal agency plus the amount of any such subsidy or other similar payment: *Provided further*, That if the specified price is not reported or published and there is no applicable maximum uniform price, or if the specified price is not reported or published and the War Food Administrator determines that the market price is below the applicable maximum uniform price, the market administrator shall use a price determined by the War Food Administrator to be equivalent to or comparable with the price specified.

§ 903.15 *Agents.* The War Food Administrator may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions hereof.

This report filed at Washington, D. C., this 13th day of October 1943.

C. W. KITCHEN,
Acting Director of Food Distribution.

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